

URBAN/MUNICIPAL

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1993 -

BY LAWS OF THE
CITY OF HAMILTON
93-001

93-001 TO
93-069

The Corporation of the City of Hamilton

BY-LAW NO. 93- 001

To Amend:

By-law No. 84-35

To Provide For:

MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION

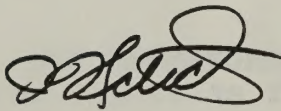
WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 39 of the 1st Report of the Transport and Environment Committee at its meeting held on the 8th day of December 1992, authorized the amendment of Section 10 of By-law No. 84-35;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

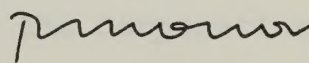
That Section 10 of By-law No. 84-35, as amended, is repealed and the following is substituted in lieu:

10. Every owner, lessee, occupant or other person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine specified in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

PASSED this 12th day of January , A.D. 1993.



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 93-002

To Amend:

Local Improvement By-law No. 10605

Respecting:

**REVISED COSTS TO THE CORPORATION
FOR THE INSTALLATION OF LOCAL IMPROVEMENTS**

WHEREAS By-law No. 10605, passed on the 15th day of December, 1964, as amended by By-laws Nos. 67-150, 73-72, 80-127, 80-156, 82-40, 83-75, 84-41, 85-70, 86-78, 88-096, 89-76, 90-49, 91-16 and 92-102, provides for the undertaking of local improvements in accordance with the Local Improvement Act;

AND WHEREAS subsection 4a of section 13 of said By-law No. 10605, as amended, provides for the local improvement rates to be charged against abutting lands for work done under the Local Improvement Act;

AND WHEREAS By-law No. 92-102, passed on the 14th day of April 1992 repealed subsection 4a of section 13 to By-law No. 10605, as amended, and re-enacted a new subsection 4a to section 13 to provide for increased maximum local improvement rates, chargeable on a per metre frontage basis against abutting lands for work done under the Local Improvement Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 21 of the 1st Report of the Transport and Environment Committee at its meeting held on the 12th day of January 1993, directed that the maximum local improvement charges per metre of frontage be increased as hereinafter provided.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subsection 4a of section 13 of By-law No. 10605, as re-enacted by By-law No. 92-102, is repealed and the following substituted therefor:

(4a) The chargeable amount per metre frontage referred to in clause (a) of subsection 4 shall be as follows:

1. For curbs only at the rate of \$53.00 per metre frontage.
2. For sidewalks only at the rate of \$89.00 per metre frontage.
3. For sidewalks and independent curbs or combined sidewalks and curbs, at the rate of \$121.00 per metre frontage.
4. For roadway only, at the rate of \$222.00 per metre frontage.

The Commission of the European Communities

Brussels, 1980

Decision

on the implementation of the Treaty

concerning

the implementation of the Treaty

Whereas the Treaty provides for the implementation of the Treaty by the Commission of the European Communities, and whereas the Commission has the honour to inform the Council of the progress made in this regard;

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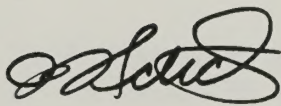
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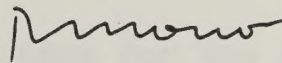
5. For alleys, at the rate of \$95.00 per metre frontage.
6. For roadway and curbs only in industrial subdivisions, at the rate of \$290.00 per metre frontage.

2. In all other respects By-law No. 10605, as amended, is hereby confirmed, unchanged.

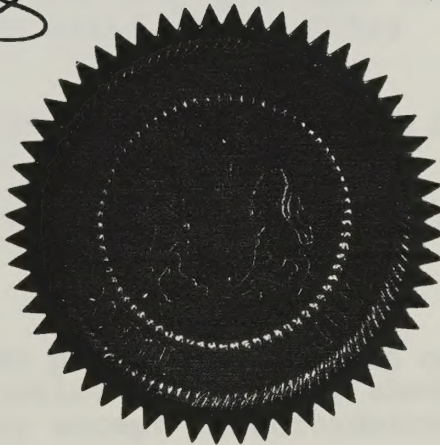
PASSED this 12th day of January, 1993.



City Clerk



Mayor



(1993) 1 R.T.E.C. 21 January 12

1. For all other purposes by law or contract, as amended, is hereby certified, unchanged.

2. In all other respects by law or contract, as amended, is hereby certified, unchanged.

3. For freight and other only in industrial conditions, at the rate of \$100.00 per month.

4. For all other purposes by law or contract, as amended, is hereby certified, unchanged.

Witness my hand and seal of office this 11th day of January, 1901.

Very truly yours,

Mayor

[Signature]

CITY CLERK



(Seal of the City of New York)

The Corporation of the City of Hamilton

BY-LAW NO. 93- 003

To Amend:

Streets By-law No. 86-77

Respecting

SIGNS

WHEREAS the uncontrolled posting of signs and notices on utility poles on the highway creates a safety hazard for City employees and a potential traffic hazard;

AND WHEREAS the posting of signs and notices creates an aesthetic and visual blight;

AND WHEREAS the City provides kiosks for the public to affix signs in certain parts of the City;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 16a. of By-law 86-77 is repealed and the following is substituted in lieu:

16a. (1) No person shall erect or place or affix a sign or post a notice on property abutting a highway or part of a highway except in accordance with this section.

(2) Any person posting a sign or notice shall follow the directions of the Director of Public Works.

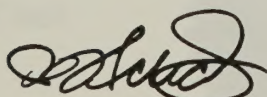
(3) Signs or notices shall be fastened with adhesive tape. No person shall fasten the sign or poster on a utility pole with staples or any metal device.

(4) The person posting the sign or notice shall remove the sign or notice and all posted materials five days after the event advertised has occurred.

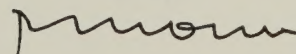
(5) No sign or notice which exceeds the dimensions of eleven (11) inches wide by seventeen (17) inches long shall be posted.

(6) For the purposes of this by-law, "sign" does not include a sign that is free standing and on its own supports.

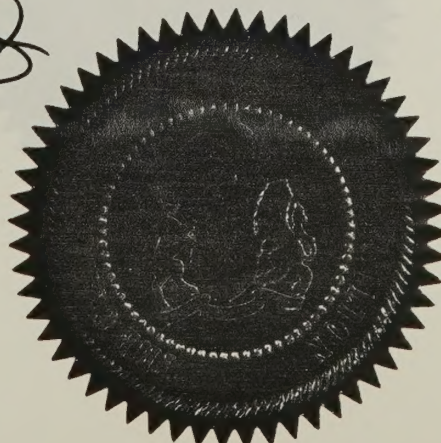
PASSED this 12th day of January , A.D. 1993.



City Clerk



Mayor



The Commission on the City of Chicago

Chicago, Illinois

January 10, 1957

Dear Mr. Mayor:

Enclosed

is

enclosed the information regarding the proposed new
city hall on the north side of the city, which is
being planned by the City of Chicago.

The proposed new city hall is located on the
north side of the city, near the intersection of
the city hall and the city hall.

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Very truly yours,
Mayor

Mayor

Mayor

Mayor

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-004

**TO INCORPORATE BLOCK 25, PLAN M-409
INTO MARK PLACE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Mark Place by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Mark Place.

Part of parcel Reserves -1
Section M-409

Being all of Block 25, Plan M-409

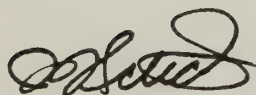
City of Hamilton

Regional Municipality of Hamilton-Wentworth

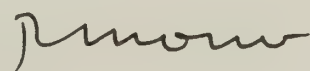
Being part of the Parcel.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

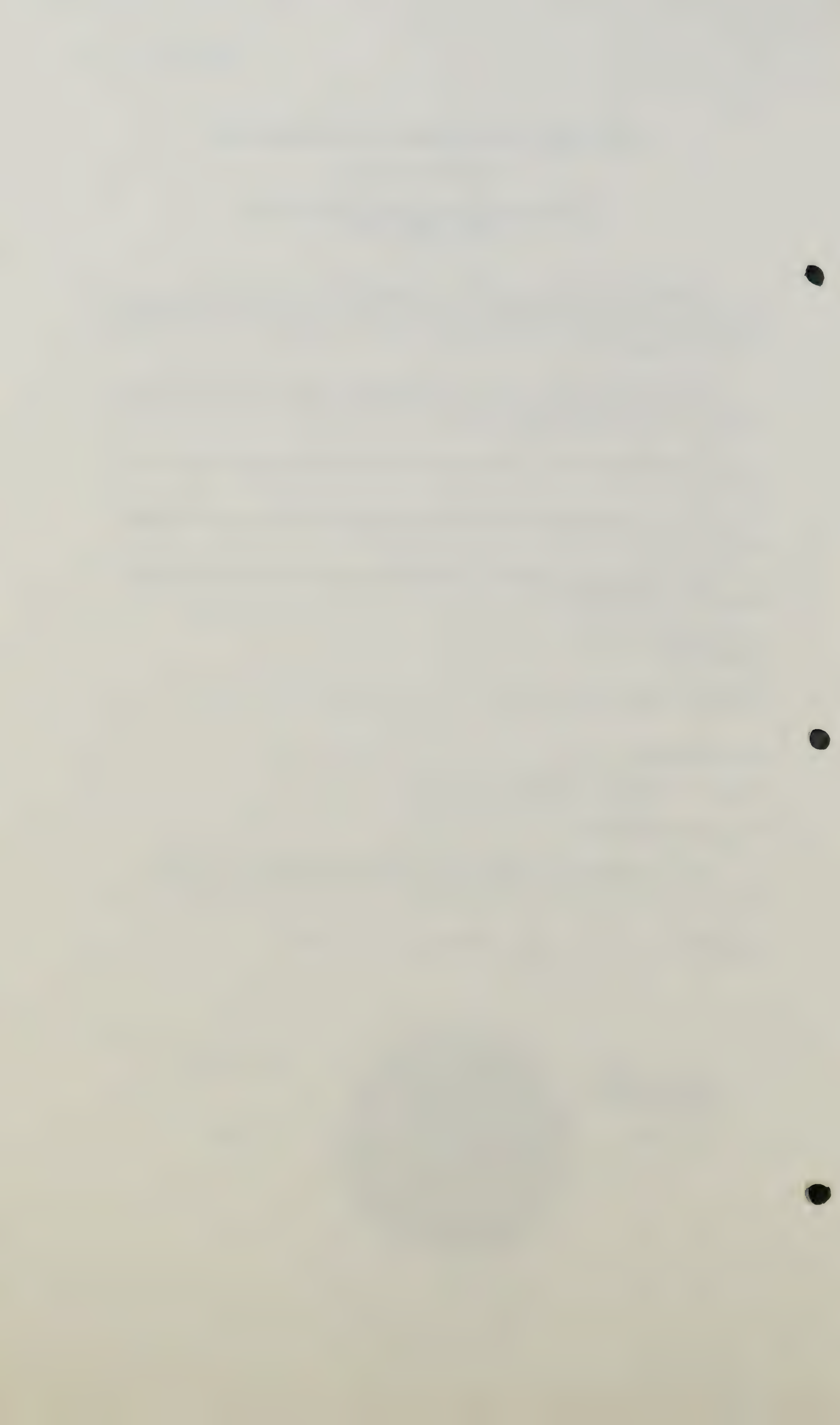
PASSED this *12th* day of *January* A.D. 1993.



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93 - 005

TO AMEND

TRAFFIC BY-LAW 89-72
PARKS BY-LAW 89-74

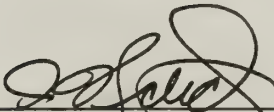
WHEREAS each of the aforementioned by-laws provide for the tagging of motor vehicles and the payment of penalties out of Court;

AND WHEREAS the Transport and Environment Committee, at its meeting of 1993 January 04th, recommended that the parking violation fines for overtime parking and "No Parking" on-street and in Parks be increased as hereinafter provided.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:-

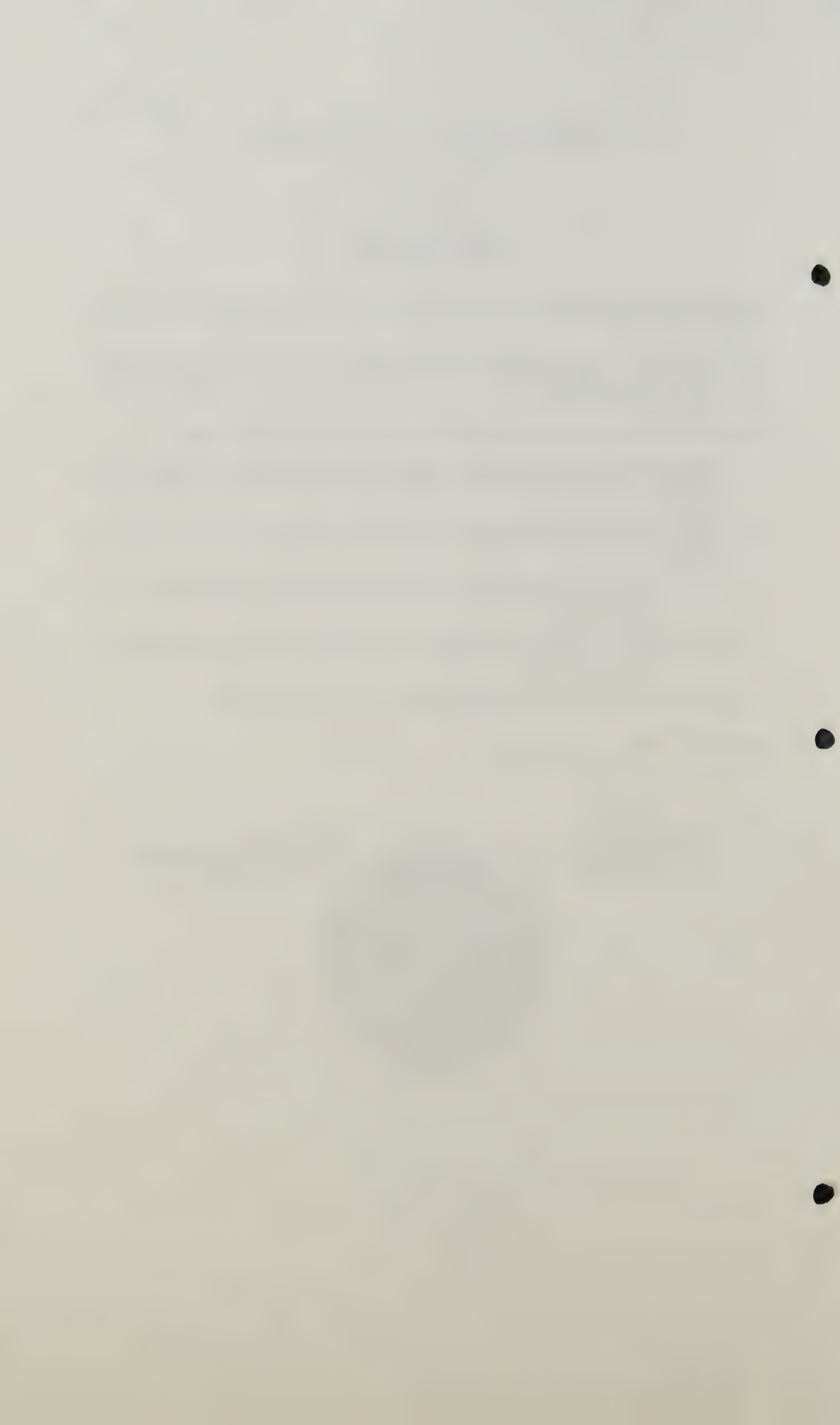
1. **Section 54(2)** of the Parks By-law 89-74 passed on the 28th day of February 1989 is hereby amended by striking out "\$13.00" in the first line of Subsection (b) and by inserting in lieu thereof "\$20.00".
2. **Section 43a** of By-law 89-72 to Regulate Traffic passed on the 28th day of February 1989 is hereby amended:
 - a) by striking out "thirteen dollars" in the first line of **Subsection (3)(a)** and by inserting in lieu thereof "twenty dollars"; and
 - b) by striking out "thirteen dollars" in the second line of **Subsection (3)(b)** and by inserting in lieu thereof "twenty dollars".
3. This by-law shall come into force and take effect on the 1st day of July 1993.

PASSED THIS 12th DAY OF January, A.D. 1993.


CITY CLERK


MAYOR





BY-LAW NO. 93 - 006

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Jackson	Westbound	Ray
Carson	Eastbound	Upper Kenilworth
Landron	Eastbound	Upper Kenilworth
Avondale	Northbound and Southbound	Beach
Albermarle	Northbound and Southbound	Beach
Lindhurst	Northbound and Southbound	Beach
Rowanwood	Northbound and Southbound	Beach
Depew	Northbound and Southbound	Beach
Northcote	Southbound	Beach".

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Geneva	West	from a point 11 feet north of the public walkway between Nos. 30 and 34 Geneva to a point 36 feet southerly therefrom	Anytime
Geneva	East	from a point 5 feet north of the public walkway between Nos. 29 and 33 Geneva to a point 20 feet southerly therefrom	Anytime
King William	North	Tisdale to 43 feet west	Anytime
King William	South	Tisdale to 43 feet east	Anytime
Princeton	East	Margate to 101 feet south	Anytime
Queen Victoria	East	north leg of Quaker to a point 68 feet southerly therefrom	Anytime
Queen Victoria	East	south leg of Quaker to a point 57 feet northerly therefrom	Anytime
Queen Victoria	East	south leg of Quaker to a point 68 feet southerly therefrom	Anytime
Queen Victoria	South	Quinn to 45 feet east	Anytime
Queen Victoria	South	Quinn to 45 feet west	Anytime
Nugent (south leg)	South	Nash to 82 feet west	Anytime".

and by deleting therefrom the following items, namely:-

"King William	North	Tisdale to 80 feet west	Anytime
King William	South	Tisdale to 70 feet east	Anytime".

3. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

South Bend	South	36 feet	280 feet east of East 16th	10:00 a.m. to 9:00 p.m. Monday to Friday".
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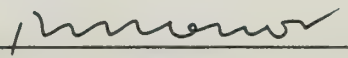
4. **Schedule 31 (School Bus Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Wildewood	North	165 feet	commencing at a point 101 feet east of Brentwood	7:00 a.m. - 6:p.m. Monday to Saturday".
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PASSED THIS *12th* DAY OF *January* , A.D. 1993



CITY CLERK



MAYOR

BY-LAW NO. 93 - 007

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 9 (Through Highways)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by deleting therefrom the following items, namely:-

"Beach Road, from the easterly limit of Gage Avenue to the easterly limit of the street, except at the intersections of Ottawa Street and Kenilworth Avenue

Sherman Avenue, from the southerly limit of Main Street to the northerly limit of Cumberland Avenue

Upper Kenilworth Avenue, from the southerly limit of Mohawk Road to the southerly end of the street".

and by adding thereto the following items, namely:-

"Beach Road, from the easterly limit of Ottawa to the easterly limit of the street except at the intersection of Kenilworth Avenue

Sherman Avenue from the southerly limit of Main Street to the southerly limit of Delaware Avenue

Upper Kenilworth Avenue, from the northerly limit of Limeridge to the southerly end of the street".

2. **Schedule 25A (Parking Time Limits)** is hereby amended:

a) by deleting from **Schedule 18 (One Hour Limit)** the following item, namely:-

"Nancy Both Queensdale to Everton".

b) by adding to **Section 14 (One Hour Limit)** the following items, namely:-

"Geneva	Both	Delmar to Bendamere
Delmar (west leg)	Both	Bendamere to Delmar (north leg)
Daytona	Both	Delmar (north leg) to the north end
Delmar (north leg)	South	Geneva to Delmar (west leg)/Daytona".

c) by adding to **Section 26 (One Hour Limit)** the following item, namely:-

"Cartier Both End to End".

3. **Schedule 26B (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

"Sherman	West	Delaware to Cumberland	2nd Thurs each month 8:00 a.m. - 12:00 noon
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Sherman	East	Delaware to Cumberland	2nd Wed each month 8:00 a.m. - 12:00 noon".
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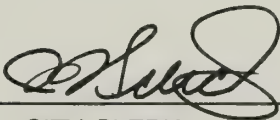
4. **Schedule 27 (Alternate Side Parking)** is hereby amended by adding thereto the following items, namely:-

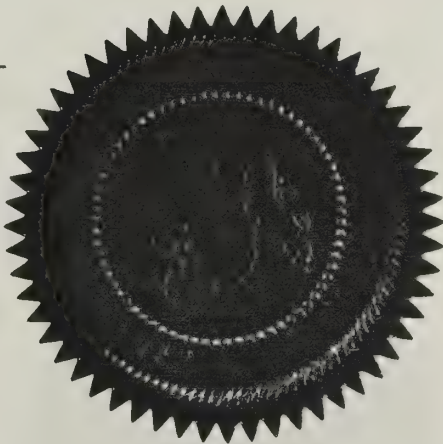
"Cartier End to End	South and West	North and East
Delmar (west leg) Bendamere to the north leg of Delmar	East	West
Daytona North leg of Delmar to the north end	East	West".

5. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following item, namely:-

"Hughson	West	Wood to Macauley	Anytime".
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PASSED THIS 12th DAY OF January , A.D. 1993.


CITY CLERK




MAYOR

BY-LAW NO. 93 - 008

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

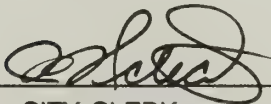
THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

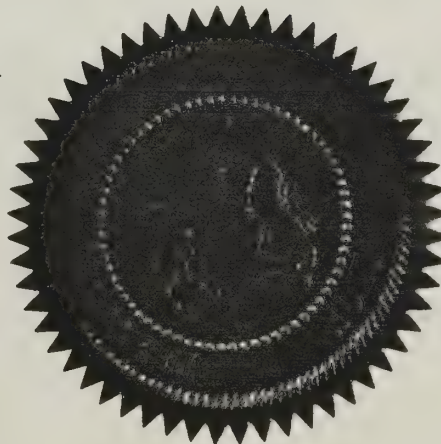
TRAFFIC

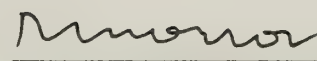
1. **Schedule 25A (Parking Time Limits)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding to Section 5 (One Hour Limit) the following item, namely:-

"Delmar Both commencing at a point 1,087 feet east of Colombia to Laurier".

PASSED THIS *12th* DAY OF *January* , A.D. 1993.


CITY CLERK




MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93- 009

To Adopt:

THE NORTH END EAST AND WEST COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 2 of By-law No. 92-162, passed on the 30th day of June 1992 designated the area shown on Schedule "A" thereto as a community improvement project area in accordance with subsection 28(2) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS it is intended to adopt a community improvement plan for the said area in accordance with subsection 28(4) of the said Act.

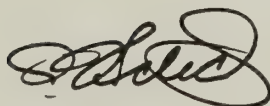
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The North End East and West Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, is hereby adopted.

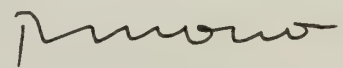
2. It is hereby authorized and directed that the approval of the Community Improvement Plan referred to in section 1 shall include approval for the doing of all things for the purpose thereof.

3. This by-law comes into force and effect on the date of its approval by the Ministry of Municipal Affairs.

PASSED this 12th day of January A.D. 1993.



City Clerk



Mayor



SCHEDULE "A"

To By-law No. 93- 009

**NORTHEND EAST AND NORTHEND WEST
COMMUNITY IMPROVEMENT PLAN**

NOVEMBER, 1992

Northend East and Northend West - Neighbourhood Profile:

The Northend East and Northend West Neighbourhoods cover an area of approximately 285 hectares with a total population of 4,814 (1991 land use characteristics). The boundaries of the combined neighbourhoods are: on the north by the Hamilton Harbour north of Guise Street, on the east by Wellington Street North, on the south by the Canadian National Railway Freight Yards south of Strachan Street, and on the west by Hamilton Harbour, west of Bay Street North. Neighbourhood Maps are attached. (Schedules 'A' and 'B')

The Northend Neighbourhoods contain a number of areas of different land uses including commercial, residential, parkland/recreational, Harbour Commissioner's and industrial. Housing is predominantly single family (1 or 2 family) dwellings zoned "D". Commercial uses are predominantly situated on James Street North and Burlington Streets. There are three schools in the area - Centennial Public School, Bennetto Senior Public School and St. Lawrence Separate School. Land Use Maps are attached. (Schedules 'C' and 'D')

The Community Improvement Project Area

The Community Improvement Project Area is comprised of segments of the Northend East and West Neighbourhoods, extending from the CN mainline on the south, along MacNab Street North northerly to Burlington Street, east to the western edge of Eastwood Park, north to Guise and south-easterly along Guise, Leander Drive and the boundaries of the Waterfront Development to meet up with the CN lines. The Northend East and West Community Improvement Project Area, adopted by By-law 92-054, is comprised of portions of the Northend East and West Neighbourhoods. Subsequently, an amendment to this Community Improvement Project Area was adopted by City Council by By-law 92-162 on 1992 May 26 and is attached as Schedule 'E'.

Background

In 1973 the Northend Urban Renewal Redevelopment Plan was adopted by By-law for the purpose of carrying out improvements in the Northend Neighbourhoods. Since that time no major capital projects have been undertaken in that area.

Adjacent waterfront lands have been the subject of a comprehensive study completed in 1985. Development of Pier 4 and Harbourfront Parks is presently occurring but does not encroach on the Community Improvement Project Area.

Subsequently, the Northend East and West Community Improvement Project Area was formed and adopted by City Council in 1992

A public process has been undertaken for the combined areas of the Waterfront and the Northend East and West Community Improvement Project Area. A citizen's committee was established and public meetings and design workshops were held in 1991. As a result of these and other meetings, the following improvements for the Community Improvement Project Area have been proposed.

Proposed Improvements:

During the public process, citizens and committee members expressed concern over a number of elements some of which were specifically within the Community Improvement Project Area:

- close Bay Street to link Pier 4/Harbourfront Park to Bayview Park
- bury overhead electrical wires
- redesign street and park lighting for lighting control, improved and co-ordinated design and improved security
- create/upgrade bicycle and pedestrian links/pathways
- upgrade Guise Street
- provide safe and accessible pathways to Harbourfront, Pier 4, Bayview and Eastwood Parks

Therefore, the P.R.I.D.E. Anti-Recession Programme funds will be allocated to the following:

1. Landscaping and hard surface treatment to Guise Street and Bay Street
2. Provision of new lighting on Guise and adjacent pedestrian/bicycle pathways
3. Additional landscaping as required to provide for safe and accessible bicycle and pedestrian routes connecting the Northend Community Improvement Project Area to Harbourfront, Pier 4, Bayview and Eastwood Parks as well as the Ferguson Avenue Community Improvement Project Area (attached as Schedule 'F').

These improvements conform with the official plan.

Implementation Plan:

The City of Hamilton's Public Works Department, is working closely with the Regional Municipality of Hamilton-Wentworth and Hamilton Hydro-Electrical Systems along with the public to prepare detailed plans for the project area. Implementation is expected to occur in the fall of 1992 and the spring of 1993 in accordance with the P.R.I.D.E. Anti-Recession Programme Guidelines.

LIST OF ATTACHMENTS

- A** North End East Zoning Map
- B** North End West Zoning Map
- C** North End East - Land Use Map
- D** North End West - Land Use Map
- E** North End East and West Community Improvement Project Area
- F** Declaration Confirming Public Meeting Held

NOTE: Schedules do not form part of the Community Improvement Plan

The Corporation of the City of Hamilton

BY-LAW NO. 93-010

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NOS. 664-682 CONCESSION STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14.(1) of By-law No. 6593, one take-out restaurant/delicatessen having a floor area of not more than 60.0 m² shall be permitted within the existing building;
- (b) Sections 18A(36)1.(b) and (c) and 18A(36)2. of By-law No. 6593, shall not apply to the take-out restaurant/delicatessen.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1296.

4. Sheet No. E-24 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1296.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 12th day of January

A.D. 1993.

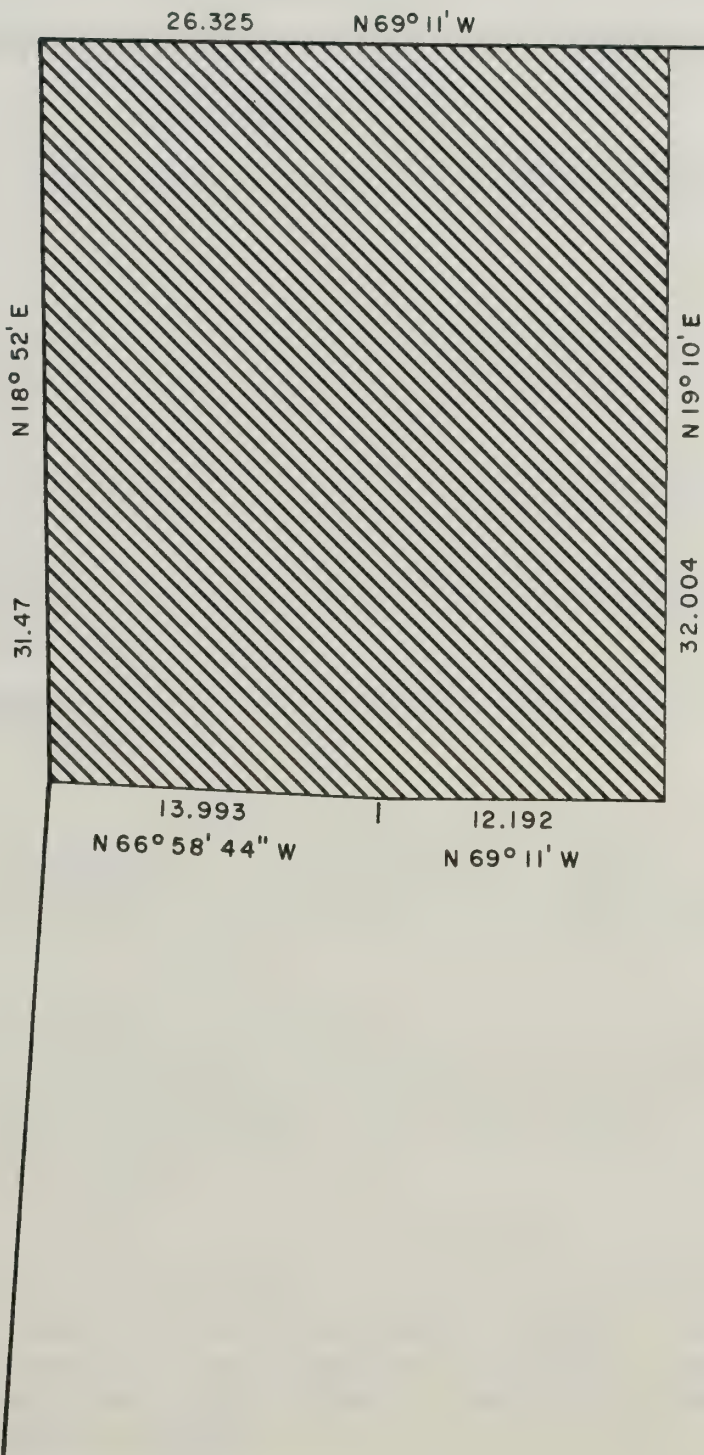

City Clerk




Mayor

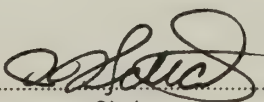
CONCESSION STREET

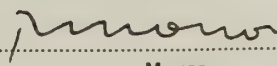
EAST TWENTY SIXTH STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93 010
Passed the 12th day of January, 1993.


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93 - 010

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 93 - 010

North



Scale
NOT TO SCALE

Date
NOVEMBER 1992

Reference File No.
ZA 92-37

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-011

To Designate:

LAND LOCATED AT MUNICIPAL NO. 10 JOHN STREET SOUTH

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

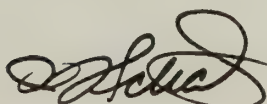
1. The property located at Municipal No. 10 John Street South and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,
(i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
(ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this 12th day of January

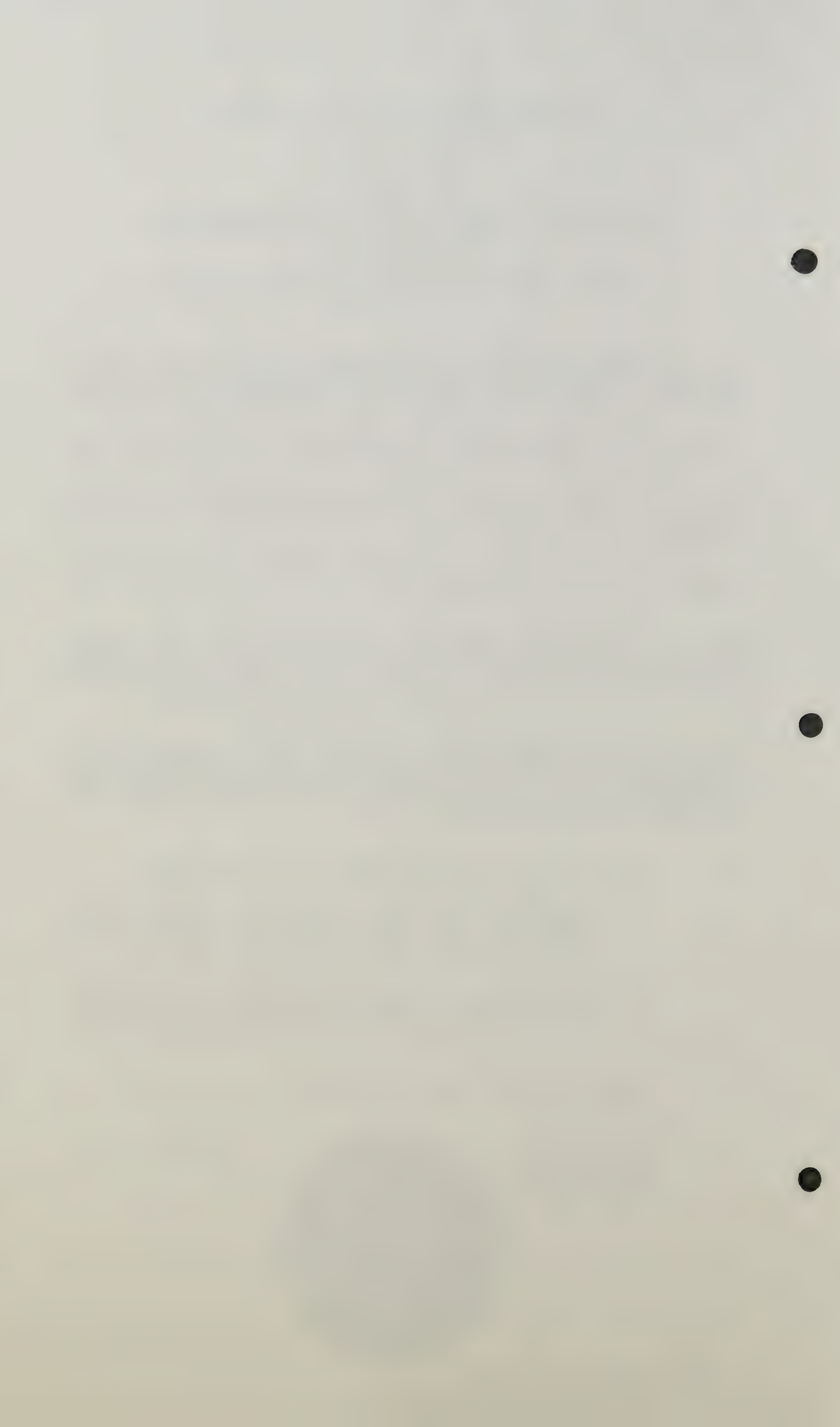
A.D. 1993.



City Clerk



Mayor



Schedule "A"

To

By-law No. 93-011

10 John Street South, Hamilton, Ontario

Lots 9 and 24 and part of Lots 10, 21, 22 and 23 and part of the Alley-way stopped up and closed by By-law No. 4646, registered as By-law No. 1083, Plan 1431 George Hamilton Survey in the block bounded by John Street South, Main Street East, Hughson Street South and King Street East, designated as Parts 1, 2, 3 and 4, Plan 62R-10520, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

In terms of the architectural style, Hutton and Souter's design can be described as "modern classical", used also in the five other federal buildings erected at this time. Classical inspiration is visible in the use of pilasters, engaged columns, symmetry, the rectangular block form, and the general horizontal divisions of base, shaft and cornice.

These traditional elements, however, are given contemporary expression, typified in the use of smooth, crisp planes; bold, simple masses; and contrasting linear-patterned ornamentation which accentuates the main architectural features of the building.

This richness of decorative detailing is found throughout the building; on the exterior in the stone ornamentation at the cornice and belt-course, the crowning narrative relief of the frontispiece, in the coat-of-arms over the front door, as well as the bronzework of the window and door panels; and on the interior by the use of marble wainscoting and flooring, as well as bronze grillwork, mosaics and painted ceiling.

The Hamilton building is considered to have the finest interior of any federal post office building erected from the mid-to-late 1930s. The main entrance, postal and elevator lobby areas and the main stairwell demonstrate the extensive use of costly materials and quality craftsmanship.

Designated Features

Important to the preservation of the Dominion Public Building are the original features of the east (main), north, and south facades, including the masonry work, windows, doorways and all ornamental decoration; and the interior spaces of the entrance, postal and elevator lobby areas and main stairwell, including all original decorative elements such as the marble cladding and flooring, bronze decorative work on doors and windows, painted ceiling, light fixtures and mosaic.

Schedule "B"

to

By-law No. 93-011

REASONS FOR DESIGNATION

FORMER DOMINION PUBLIC BUILDING, 10 John Street South (HAMILTON COURTHOUSE)

Context

The Dominion Public Building was erected in 1935-6 on John Street South between King and Main Streets to serve as Hamilton's main Post Office and federal office building. Located on a major site in the downtown core, the front facade of this monumental six-storey edifice faces John Street; its north facade is an integral part of the Gore Park streetscape and its south facade faces the grounds of the present Courthouse. As such, 10 John Street is recognized as an important city landmark.

Historical Significance

Erected on the site of the earlier 1886 Post Office, the new Dominion Public Building was built to accommodate not only the post office but also customs and excise, national health, immigration and various other federal departments, all brought together for the first time in Hamilton under one roof.

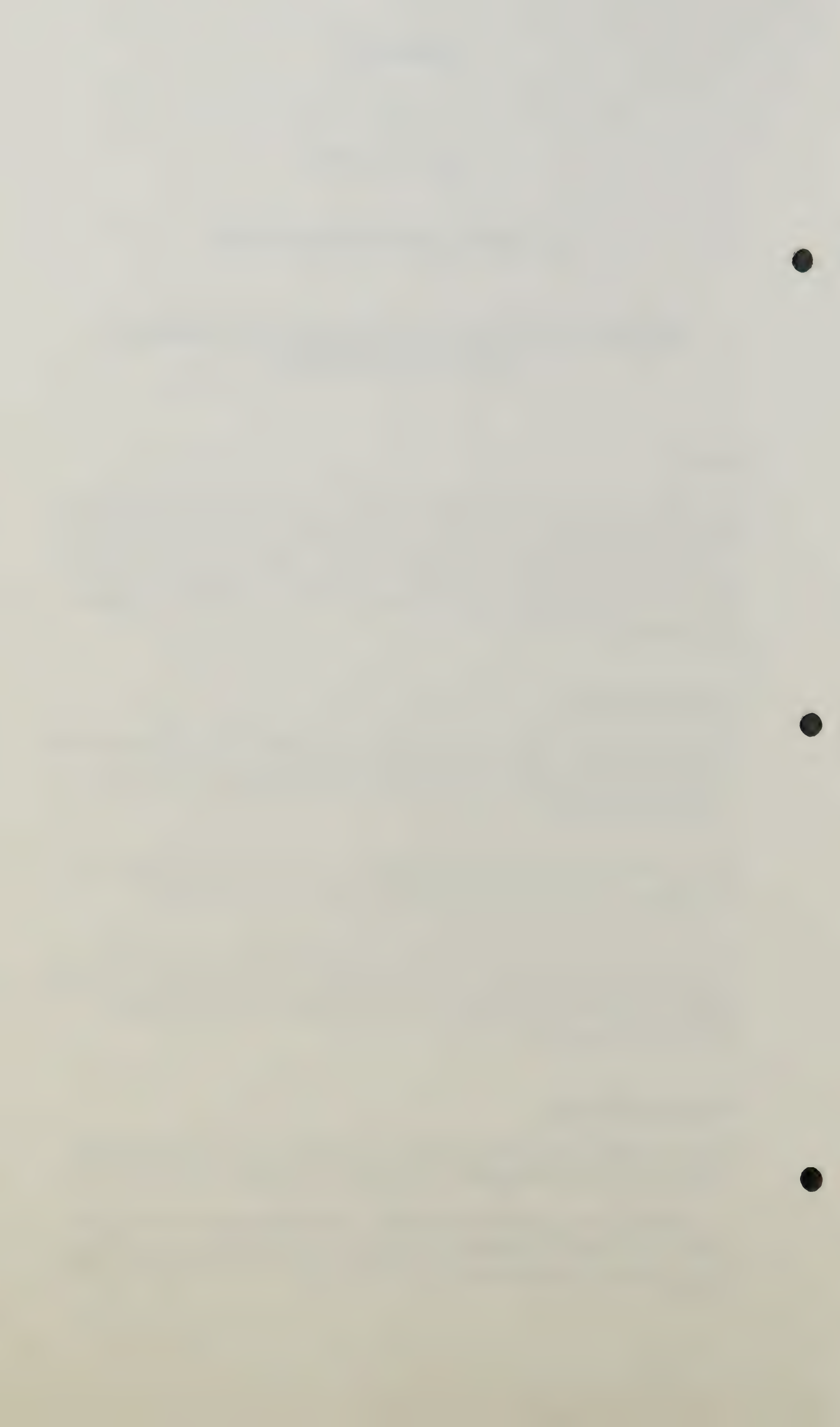
The main Post Office was located in this building for over fifty years, closing in 1991, when the Province of Ontario purchased the building for conversion to a new court facility, consolidating the Provincial and General Division courts.

The John Street building belongs to the group of large office blocks built by the Federal Government across the country during the 1920s and '30s; the Hamilton structure was erected as part of a Depression works program introduced by the government in 1934 under the Public Works Construction Act.

Architectural Significance

Hamilton's Dominion Public Building has been ranked as one of the three best examples of the large federal public buildings which were erected across Canada between 1934 and 1939.

In accordance with the government's current policy, a local architect rather than the Public Works Architect was commissioned to design the building. The Hamilton firm of Hutton and Souter, well known for other major works such as the Cathedral of Christ the King, provided the plans.



The Corporation of the City of Hamilton

BY-LAW NO. 93- 012

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 719 KNOX AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-81 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

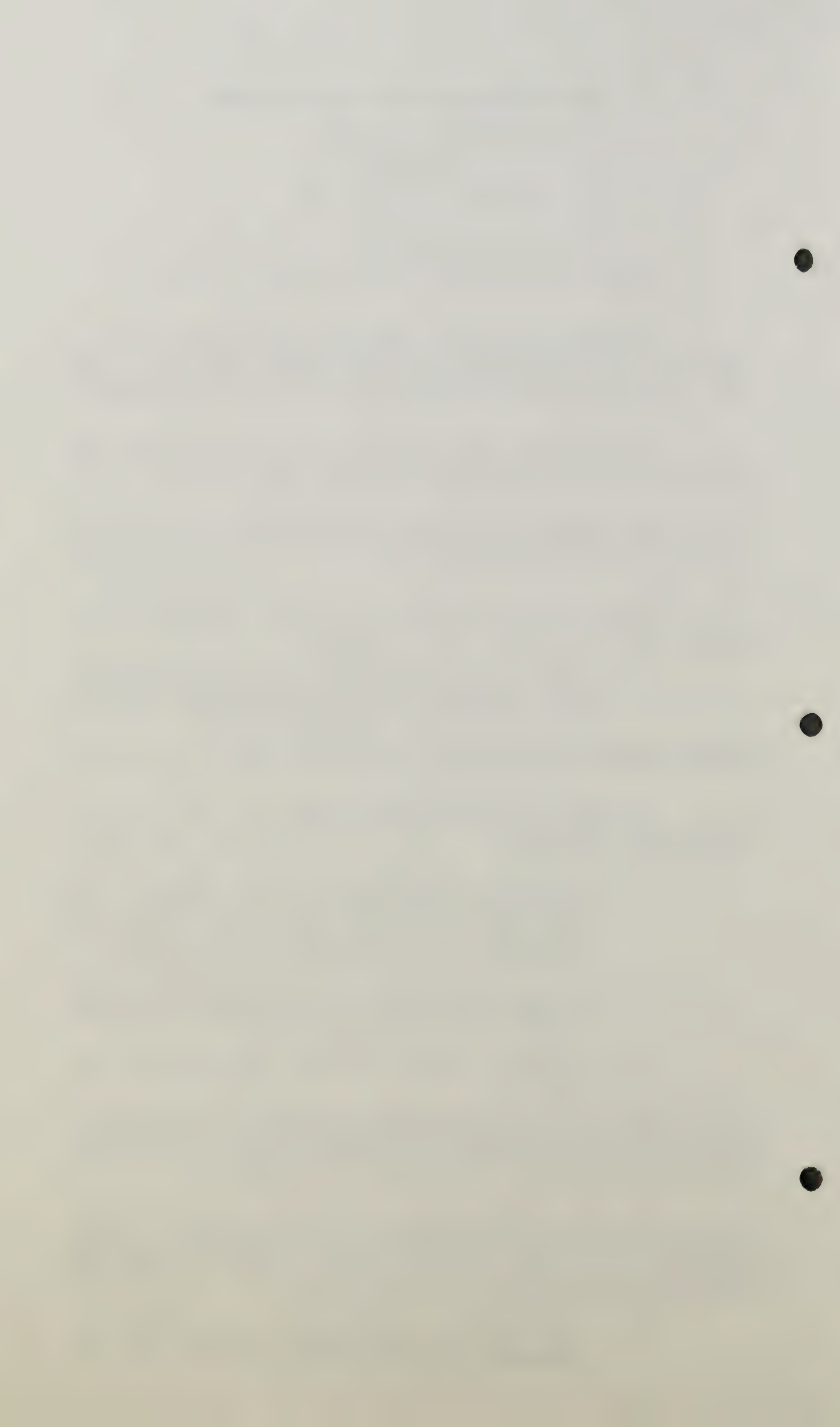
2. The "C" (Urban Protected Residential, etc.) District referred to in section 1 shall be subject to the special requirements that upon,

- (a) the owner undertaking a soils study to the satisfaction of the Ministry of Environment, and receiving notification from the Ministry of Environment that the decommissioning process, if required, has been satisfactorily completed;
- (b) the owner applying for and receiving approval from the Regional Municipality of Hamilton-Wentworth of a draft plan of condominium; and
- (c) the owner applying for and receiving Site Plan approval,

the 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may proceed in accordance with the "C" District provisions, subject to the special requirements referred to in section 3 of this by-law.

3. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 4.(3)(a) of By-law No. 6593, four (4) single-family dwellings shall be permitted on the subject lands;



- (b) Section 9.(3) of By-law No. 6593 shall not apply;
- (c) notwithstanding Section 9.(4) of By-law No. 6593, a lot width of not less than 6.6 m shall be provided and maintained;
- (d) the following minimum setbacks shall be provided and maintained for each of the four permitted single-family dwellings:
 - (i) a setback of not less than 4.5 m from the easterly lot line and from the westerly lot line; and
 - (ii) a setback of not less than 7.5 m from the northerly lot line and from the southerly lot line;
- (e) the following separation distances shall be provided and maintained between each of the four permitted single-family dwellings:
 - (i) a distance of not less than 2.4 m between buildings in an east-west direction;
 - (ii) a distance of not less than 27.0 m between buildings in a north-south direction;
- (f) a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along all property lines, except for the area required for an access driveway.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 3.

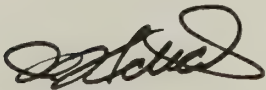
5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1295.

6. Sheet No. E-81 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1295.

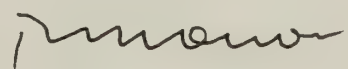
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 12th day of January

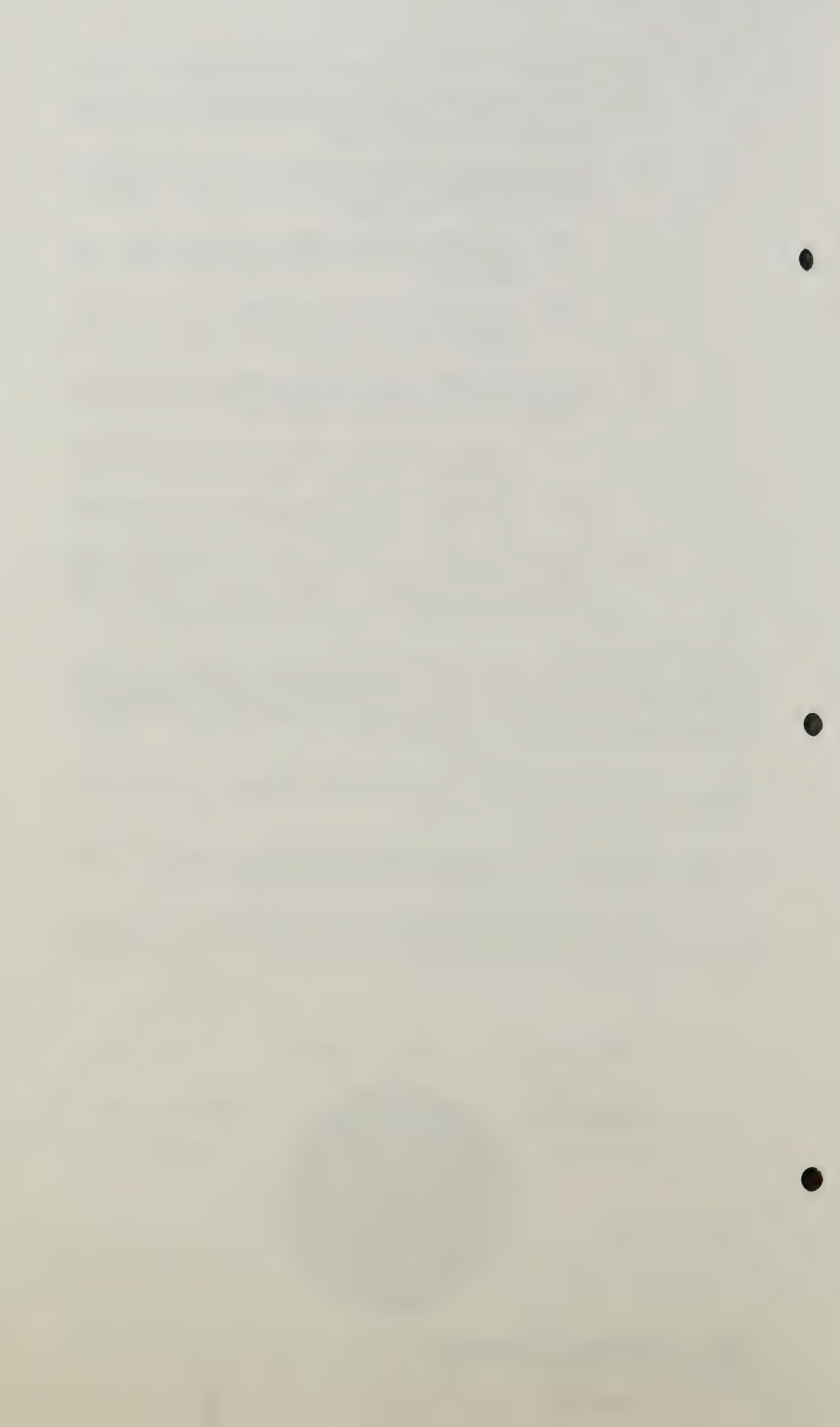
A.D. 1993.

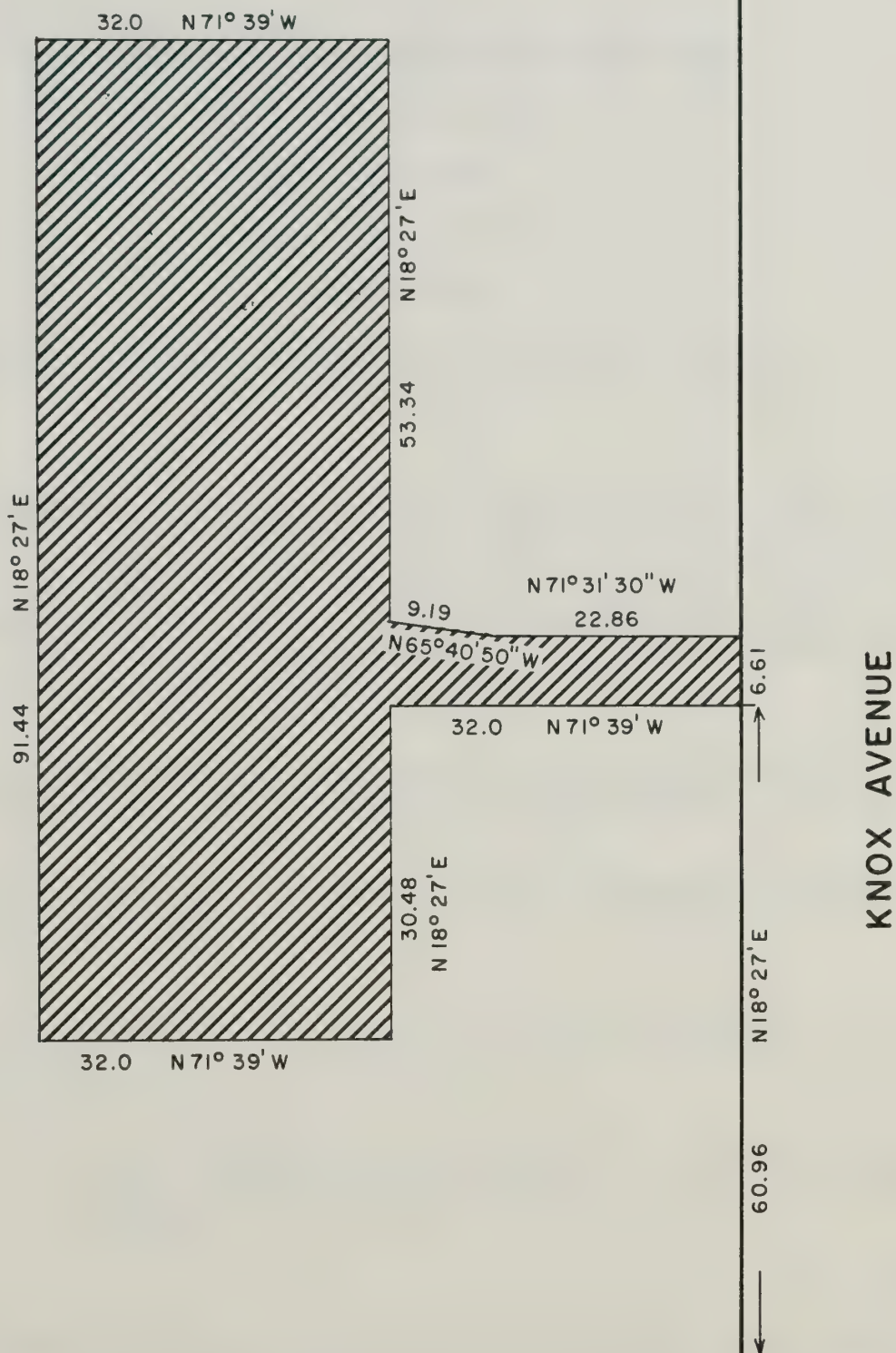


City Clerk

Mayor



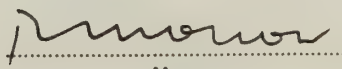


GLOW AVENUE

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-012
Passed the 12th day of January, 1993


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93-012...

to Amend By-Law No. 6593

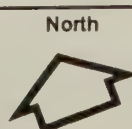
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"C" (Urban Protected Residential, etc.)
District to "C" - 'H' (Urban Protected Res-
idential, etc. - Holding) District, modified.

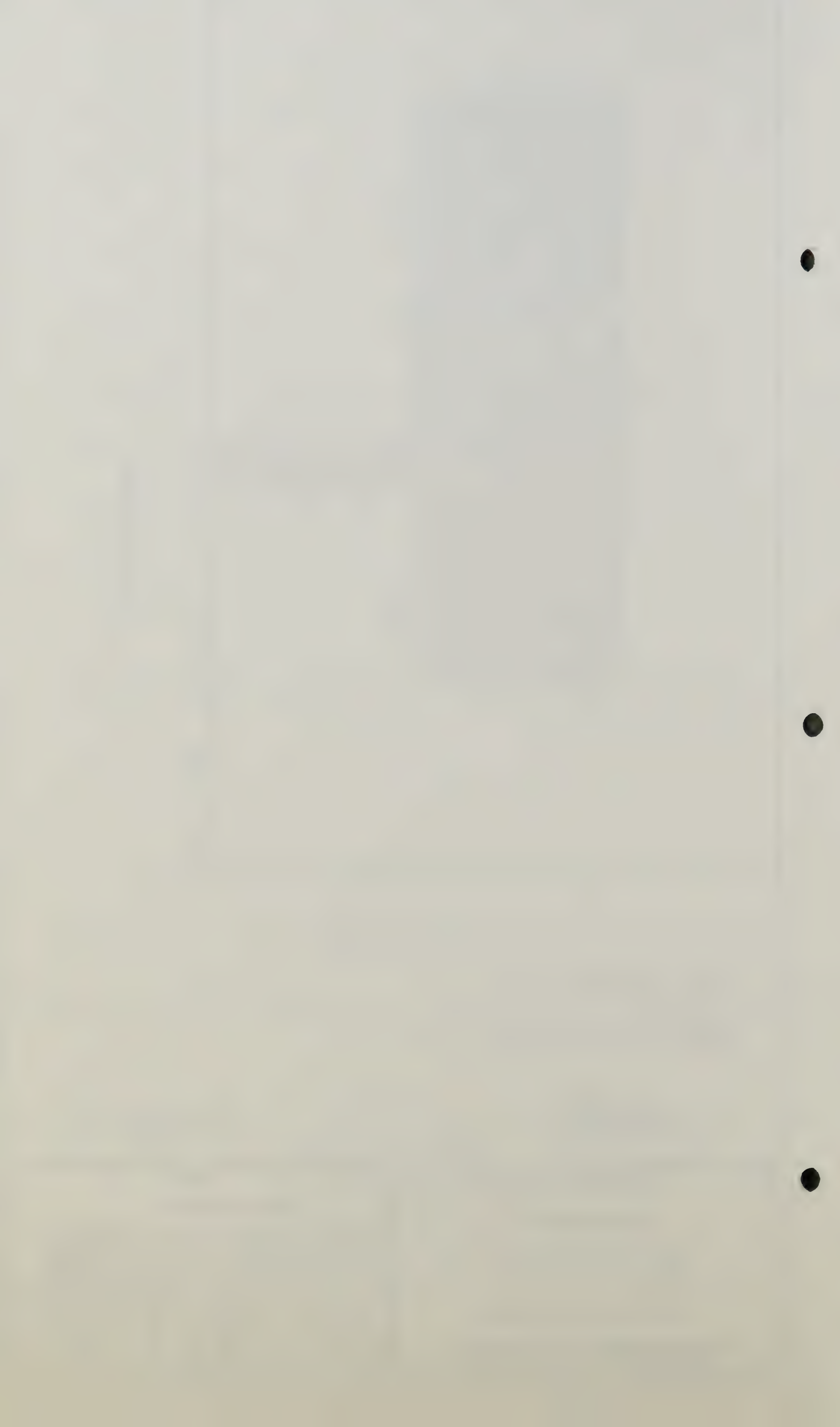


Scale
NOT TO SCALE

Date
DECEMBER 1992

Reference File No.
ZA 92 - 32

Drawn By
Z.K.



The Corporation of the City of Hamilton

BY-LAW NO. 93-013

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 719 KNOX AVENUE

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

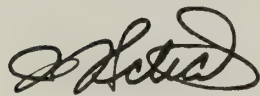
1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

145. Land located at Municipal No. 719 Knox Avenue, shown on Appendix 145 hereto annexed and forming part of this by-law.

2. Appendix 145 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this 12th day of January

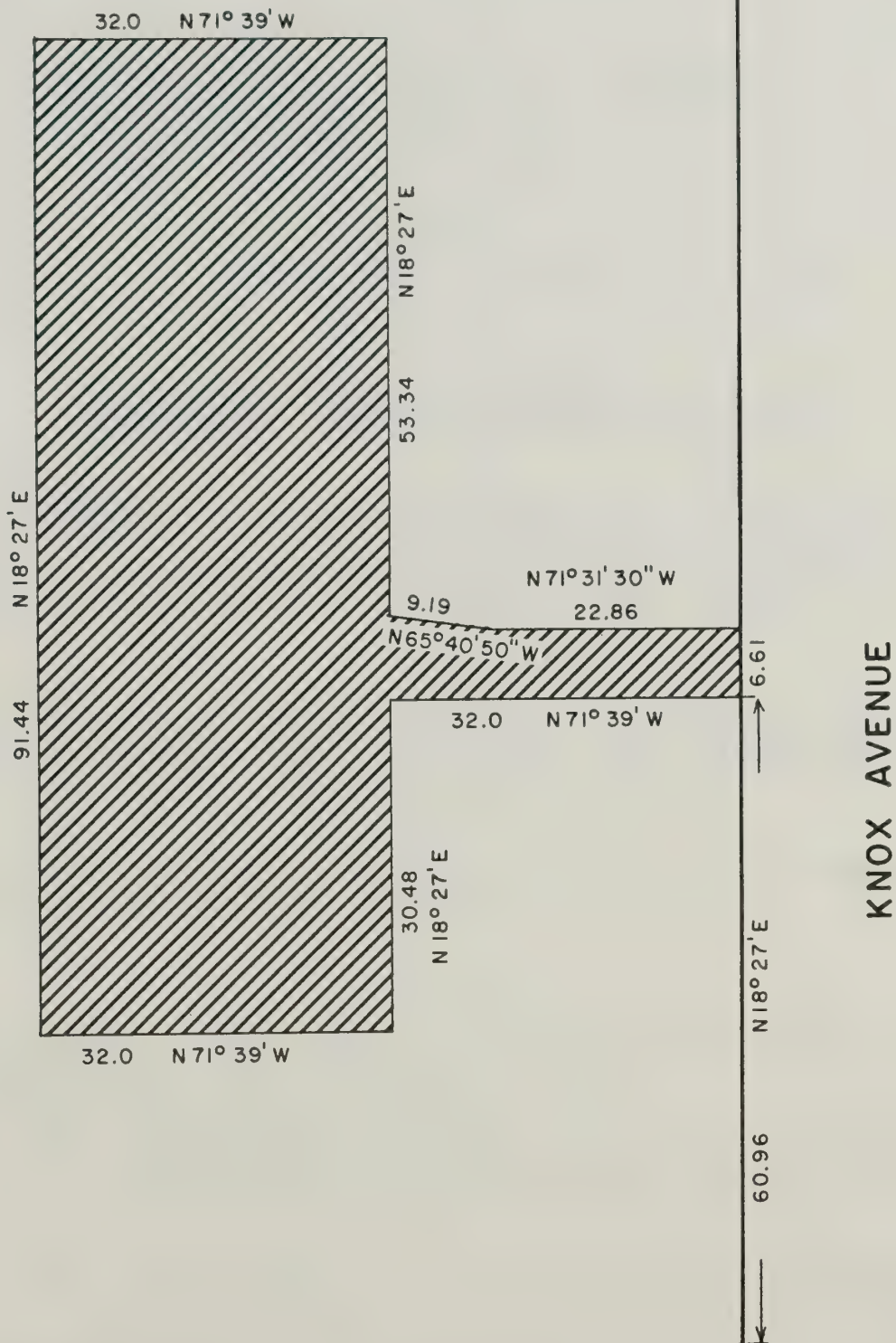
A.D. 1993.



City Clerk

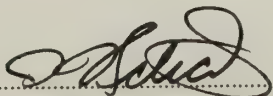


Mayor



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-013
Passed the 12th day of January, 1993


Clerk


Mayor

City of Hamilton

Appendix 145
to By-Law No.79-275

as Amended by
By-Law No.87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands Designated Under this By-Law
as an area of Site Plan Control pursuant
to Section 41 of the Planning Act.

North

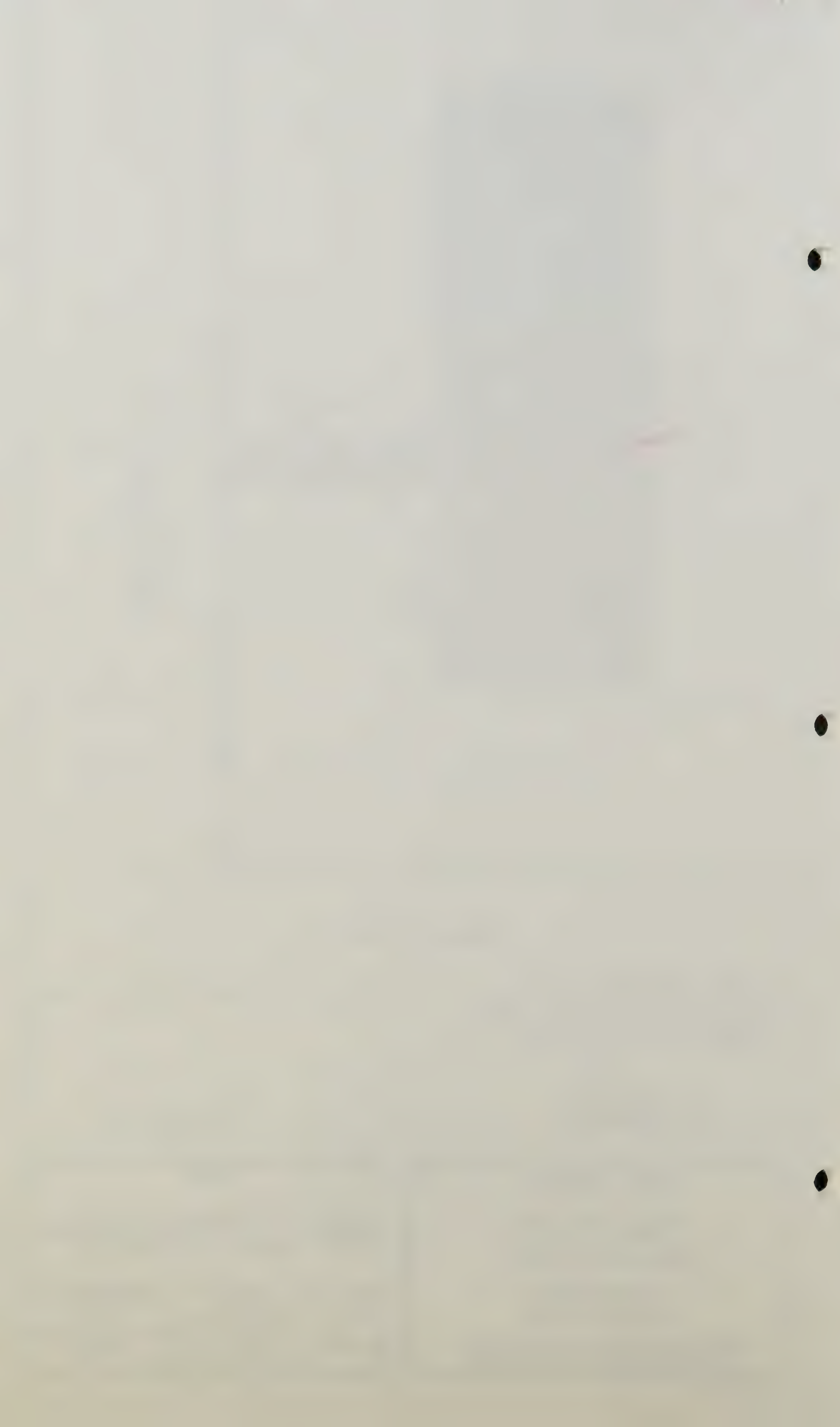


Scale
NOT TO SCALE

Date
DECEMBER, 1992

Reference File No.
ZA92-32

Drawn By
Z.K.



The Corporation of the City of Hamilton

BY-LAW NO. 93- 014

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF
MUNICIPAL NO. 614 STONE CHURCH ROAD EAST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, the land comprised in Block 1; and
- (b) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

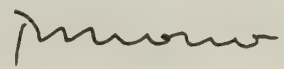
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 12th day of January

A.D. 1993.



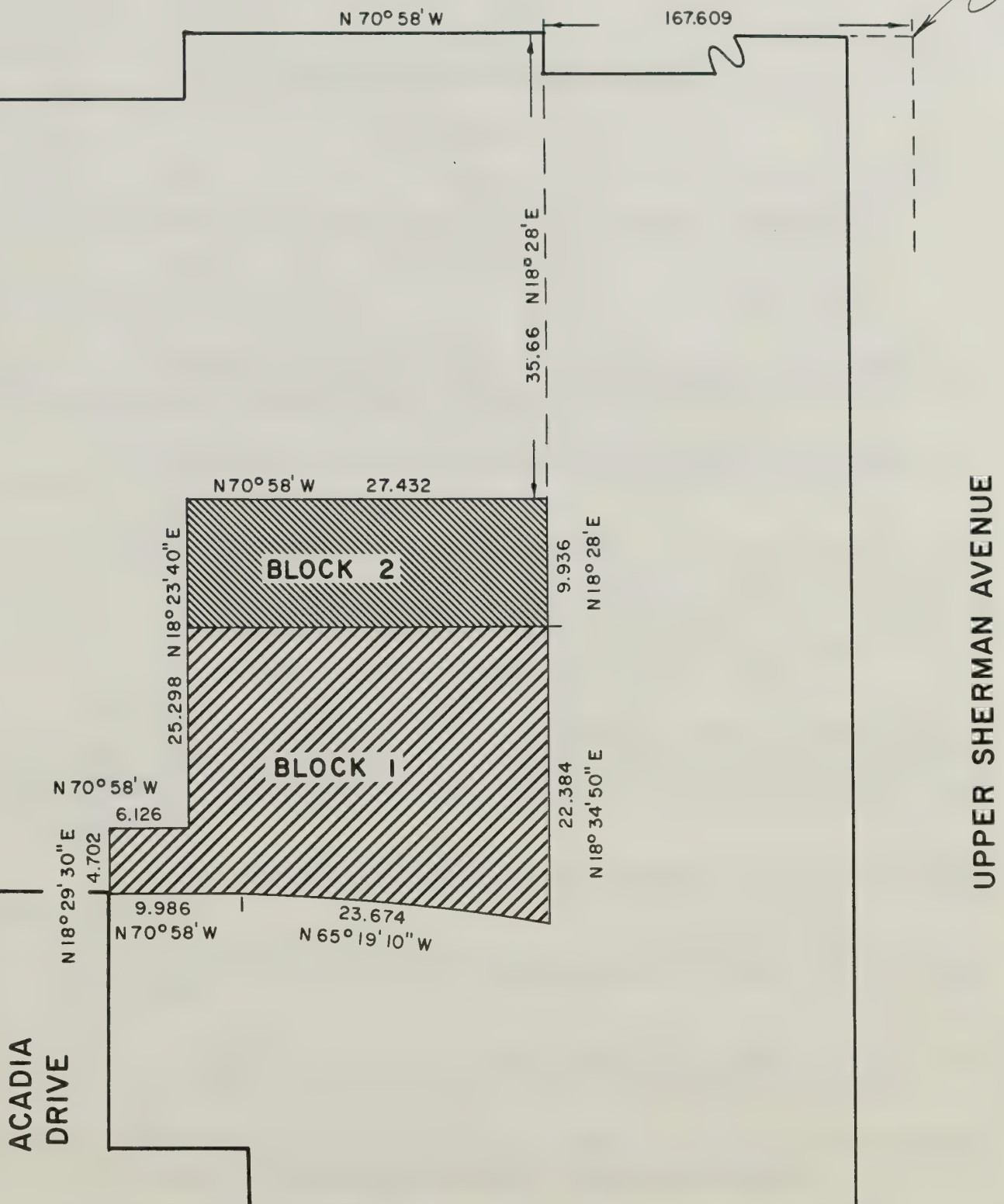
City Clerk



Mayor

STONE CHURCH ROAD EAST

NORTHEAST CORNER
OF LOT 9 - CON. 8



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-014
Passed the 12th day of January, 1993.

[Signature]
Clerk

[Signature]
Mayor

City of Hamilton Schedule A

Map Forming Part of
By-Law No. 93-014

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend
Change in zoning from:

- BLOCK 1 "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
- BLOCK 2 "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

North 	Scale NOT TO SCALE	Reference File No. ZA 92 - 38
	Date DECEMBER 1992	Drawn By Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 93- 015

To Remove
Land within the "Claudette Gardens - Phase 1" Subdivision, Plan 62M-719
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

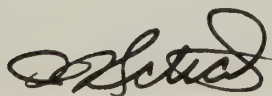
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lots 2 - 18, inclusive, within Registered Plan Number 62M-719, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.

(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this 12th day of *January* A.D. 1993.



City Clerk

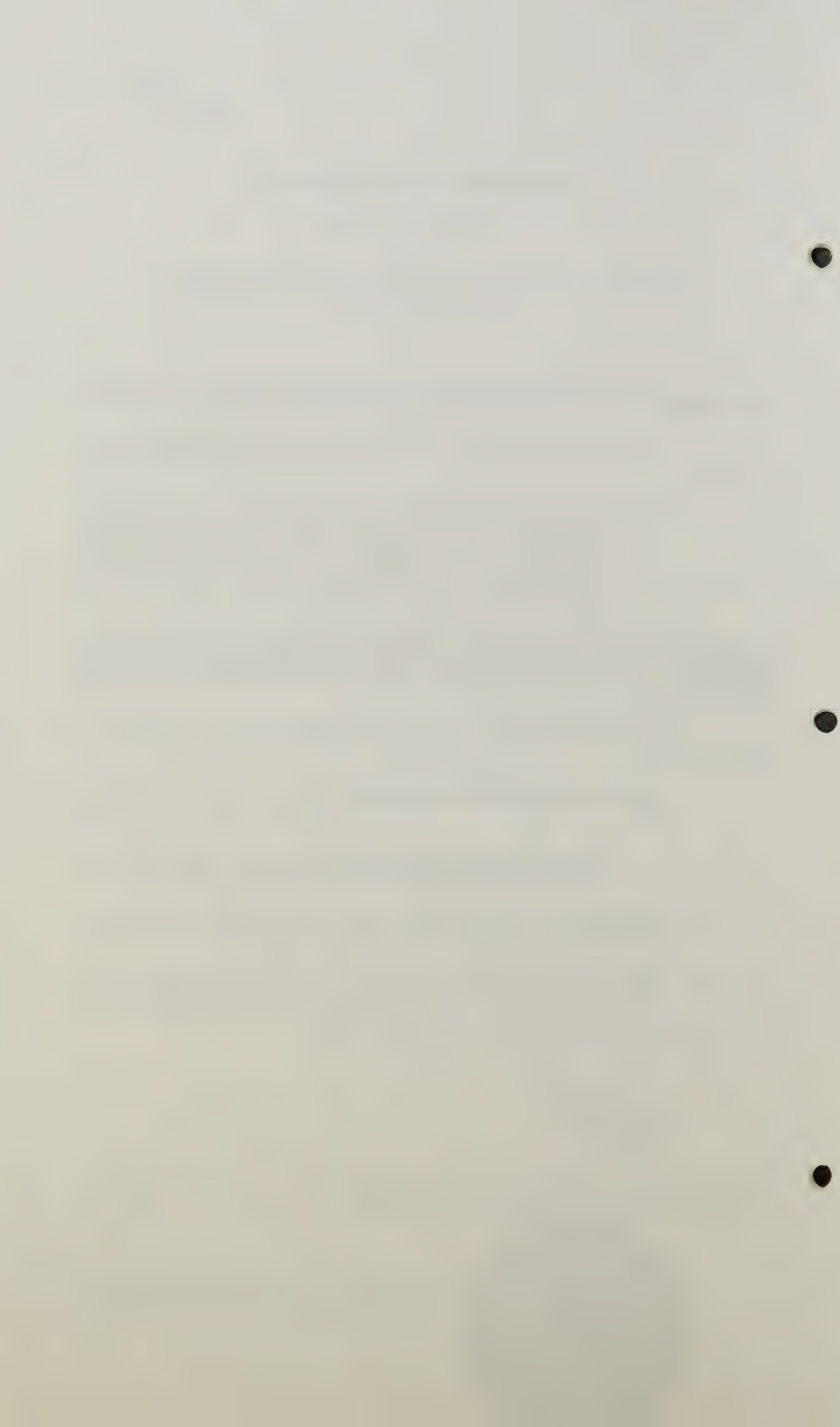


Mayor

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.



Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93 - 016

To Authorize the Temporary Borrowing of Monies to Meet Current
Expenditures Pending Receipt of Current Revenues.

WHEREAS section 187(1) of the Municipal Act, R.S.O. 1990, as amended, provides as follows:

"A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow from time to time by way of promissory note or banker's acceptance such sums as the council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the corporation for the year, including the amounts required for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body and other purposes for which the corporation is required by law to provide";

AND WHEREAS Section 187 (2) of the said Act, as amended by the Municipal Statute Law Amendment Act, S.O. 1992, c. 15 provides as follows:

"The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed from January 1st to September 30th of the year, 50 percent of the total, and from October 1st to December 31st, 25% of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year";

AND WHEREAS the Council of the Corporation of the City of Hamilton (hereinafter called the "Municipality") in adopting Item 5 of the 1st Report of the Finance and Administration Committee on 12 January 1993 authorized the temporary borrowing of monies to meet current budget expenditures for the year 1993 pending receipt of current revenues;

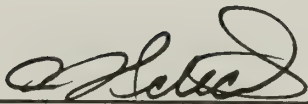
NOW THEREFORE the Council of The Corporation of the City of Hamilton hereby enacts as follows:

1. (1) The Mayor and Treasurer are hereby authorized on behalf of the Corporation of the City of Hamilton to borrow from time to time by way of promissory note from the **CANADIAN IMPERIAL BANK OF COMMERCE** a sum or sums of monies not exceeding at any one time the amounts specified in subsection (2) to pay off temporary bank overdrafts for the current expenditures of the Corporation for the current year 1993, and to give to the Bank on behalf of the Corporation a promissory note or notes, sealed with the Corporate Seal and signed by the Mayor and Treasurer, for the monies so borrowed, together with interest at such rate as may be agreed upon from time to time with the Bank.
- (2) The amount of monies that may be borrowed at any one time for the purposes of subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed from January 1st to September 30th of the year, 50 percent of the total, and from October 1st to December 31st, 25% of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

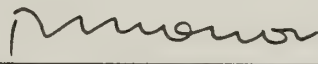
2. (1) Until estimates of revenue of the Corporation for the current year are adopted, borrowing shall be limited to the estimated revenues of the Corporation as set forth in the estimates adopted for the next preceding year.

(2) The total estimated revenues of the Corporation, including the amounts levied for Region and Education purposes, adopted for the year 1992 are Four Hundred and Seventy-Three Million, Five Hundred and Eighty-Six Thousand, Five Hundred and Ten Dollars (\$473,586,510.00).
3. All sums borrowed pursuant to the authority of this by-law, together with any and all similar borrowings in the current year and in previous years that have not been repaid shall, together with interest thereon, be a charge upon the whole of the revenues of the Corporation for the current year and for all preceding years, as and when such revenues are collected or received.
4. The Treasurer shall, and is hereby authorized and directed to, apply in payment of all sums borrowed pursuant to this by-law, together with interest thereon, all of the monies thereafter collected or received for the current and preceding years, either on account or realized in respect of taxes levied for the current year and preceding years or from any other sources which may lawfully be applied for such purpose.
5. This by-law shall come into force and effect on the day of third reading and enactment, and shall remain in force and effect until December 31, 1993.
6. By-law 92-129 is hereby repealed.

PASSED this 12th day of January A.D. 1993.

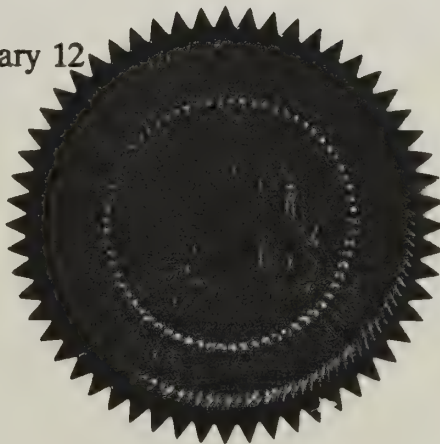


City Clerk



Mayor

(1993) 1 R.F.A.C. 5, January 12



The Corporation of the City of Hamilton

BY-LAW NO. 93-017

To Amend

Municipal Tax Levy By-law No. 71-69

Respecting:

FEE FOR TREASURER'S TAX CERTIFICATE

WHEREAS Section 415 of The Municipal Act, R.S.O. 1990, Chapter M.45 provides that an amount may be charged for the cost of a search and certified statement of arrears due on the land on each separate parcel except to any person who forthwith pays his taxes;

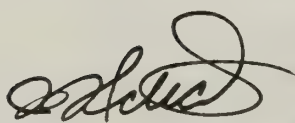
AND WHEREAS it is desirable to charge the amount of \$20.00 in place of the present charge of \$15.00;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subsection 18(3) of By-law No. 71-69, is further amended by striking out "\$15.00" at the end of the second line and inserting in lieu thereof "\$20.00".

2. This by-law comes into force on the 1st day of February, 1993.

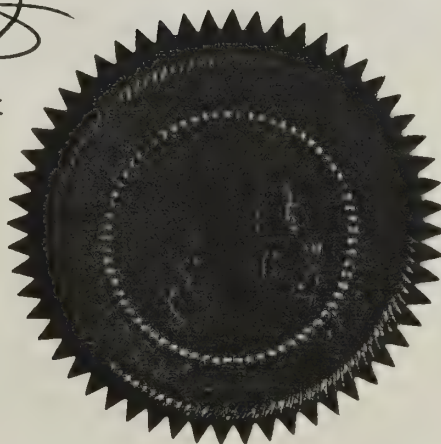
PASSED this 12th day of January , 1993.

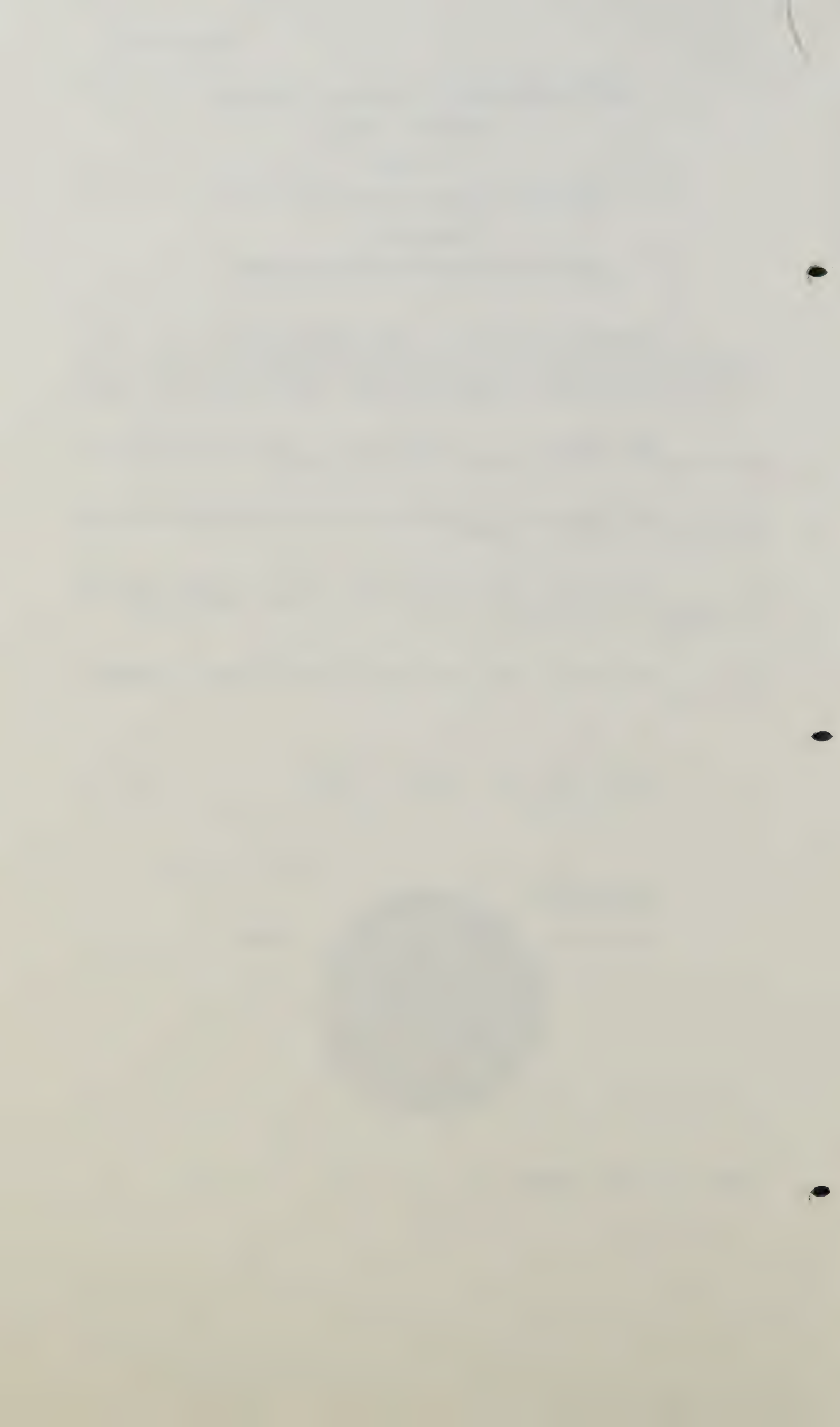


City Clerk



Mayor





The Corporation of the City of Hamilton

BY-LAW NO. 93- 018

To Amend

By-law No. 85-86 and By-law No. 74-74

Respecting

FEES

WHEREAS Council enacted By-law 85-86 pursuant to the Building Code Act to authorize Building Permits and fees;

AND WHEREAS City Council enacted By-law 74-74 to provide for standards of maintenance and occupancy of property and to provide for fees in respect of a Certificate of Compliance;

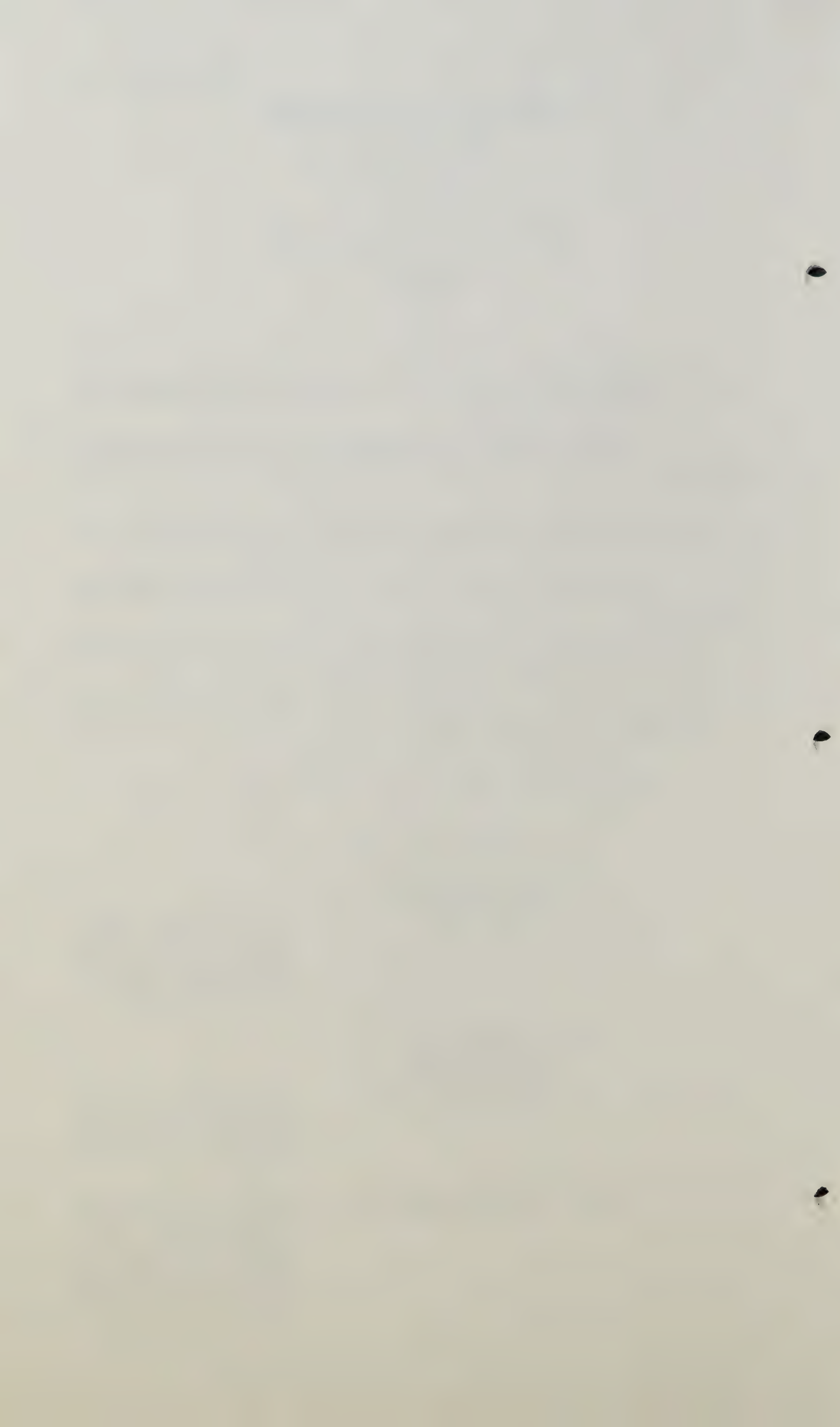
AND WHEREAS City Council, on January 12, 1993, in adopting Item of the 1st Report of the Committee of the Whole authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

- 1. Schedule "A" to By-law No. 85-86 is repealed and Schedule "A" annexed hereto and forming part of this By-law is substituted therefore.
- 2. Paragraph 3 of section 34 of By-law No. 74-74, as amended, is repealed and the following is substituted in lieu thereof:

"3. The fee for a certificate of compliance shall be as follows:

- (a) For a single family dwelling..... \$220.00
- (b) For a two-family dwelling, a three-family dwelling, or a multiple dwelling..... \$220.00 plus an amount calculated at the rate of \$30.00 for each additional dwelling unit in excess of the first dwelling unit.
- (c) For a lodging house, second level lodging house, or nursing home..... \$220.00 plus an amount calculated at the rate of \$20.00 for each permitted resident.
- (d) For all other buildings..... \$220.00 plus an amount calculated at the rate of \$10.00 per 1,000 square feet of gross floor area for the gross floor area in excess of the first 1,000 square feet."



3. In all other respects By-law No. 85-86 and By-law No. 74-74, as amended, are hereby confirmed unchanged.
4. This By-law comes into force and effect on the 4th day of January, 1993.

PASSED this 12th day of January, 1993.



City Clerk



Mayor



(1993) 1 R.C.W. January 12



SCHEDULE "A"

(Section 16)

By-law No. 85-86

FEES

Class of Permit (Column 1)	Fee (Column 2)
1. Permit for the construction of a building or part thereof.....	Basic Fee of \$150.00 for construction up to \$10,000.00 PLUS an amount calculated at the rate of \$9 per each \$1,000 or part thereof of the cost or valuation of construction in excess of the first \$10,000 up to and including a cost or valuation of \$20,000,000; PLUS an amount calculated at the rate of \$9 per \$1,000 or part thereof of the cost or valuation of the construction from \$20,000,000 up to and including \$50,000,000; PLUS an amount calculated at the rate of \$9 per \$1,000 or part thereof of the cost or valuation above \$50,000,000.
2. Permit for the demolition of:	
(1) a building	\$220 plus an amount calculated at the rate of \$25 per each additional 3,000 cubic metres or part thereof in excess of the first 3,000 cubic metres.
(2) a non-serviced accessory building	\$100.00
3. Permit to authorize the occupancy of a building or part thereof,	
(1) first inspection...	No Fee
(2) each inspection after the first inspection...	\$35

The Corporation of the City of Hamilton

BY-LAW NO. 93- 019

To Amend:

Cemeteries By-law 8861

Respecting:

TARIFF OF FEES

WHEREAS Section 69 of the Planning Act, R.S.O. 1990, Chapter P.13 requires the Council of The Corporation of the City of Hamilton to prescribe a tariff of fees by by-law;

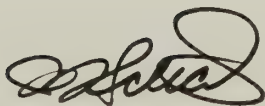
AND WHEREAS City Council, on January 12, 1993, in adopting the 1st Report of the Committee of the Whole authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

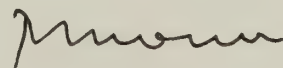
1. The amount of the fee for each application referred to below shall be as follows:
 1. Application by any person to Council to initiate an amendment to the Official Plan
 - (i) Phase 1 - Services up to the City Council Report \$1,100.00
 - (ii) Phase 2- Services subsequent to the Council resolution approving the application \$600.00
 2. Application by any person to initiate a by-law under subsection 34(1)
 - (i) A routine Application \$850.00
 - (ii) A complex Application
 - (a) Phase 1 - Services up to the City Council Report \$1,110.00
 - (b) Phase 2 - Services subsequent to the Council Resolution approving the Application . . . \$600.00
 3. A combined application by any person to initiate both an amendment to the Official Plan and amend a by-law passed under subsection 34(1) \$2,200.00
 4. Application by any person to initiate an application for the purpose of,
 - (i) site plan control under Section 41 \$1,000.00
 - (ii) revision to site plan control under Section 41 \$400.00
 5. Application for the approval of a plan of subdivision under Section 51 of the Planning Act
 - (i) Simple - where no other approvals are required \$550.00

- (ii) Complex - where the Official Plan or Neighbourhood Plan or other approvals are required \$1,000.00
6. Application for the approval of a Plan of Condominium \$550.00
7. Application for a revision to a Plan of Subdivision or a Plan of Condominium \$350.00
8. Application for an extension of an approved Plan of Subdivision \$175.00
9. Application for an exemption of part lot control under Section 50(7) of the Planning Act \$300.00
10. Property reports with respect to the Official Plan zoning status and Heritage Designation compliance \$40.00
2. The fees shall be paid at the time of and with the making of an application.
3. No application shall be deemed to have been made and no application shall be received, unless the fee is paid in accordance with Section 2.
4. The amounts in Section 1 of this by-law shall be increased annually by the yearly inflation rate, measured by the Consumer Price Index for Toronto; and the resulting figure shall be rounded off to the nearest five dollar interval.
5. By-law No. 91-042, passed on the 12th day of March, 1991, is repealed.
6. (a) Cemeteries By-law 8861, as amended by By-laws No. 74-3-3, 76-187, 76-337, 77-292, 78-276, 79-17, 79-319, 80-229, 81-219, 83-42, 84-323, 84-268, 86-11, 87-22, 88-40, 88-274, 89-363, 90-16 and 90-344 and By-law 92-185, is further amended by deleting Schedule "B-1992(a)" and substituting in lieu thereof Schedule "B-1993", hereto annexed and forming part of this by-law.
- (b) In all other respects, By-law No. 8861, as amended, is hereby confirmed unchanged.
7. The Manager of Cemeteries is hereby authorized and directed to make application to the Minister of Consumer and Commercial Relations, Cemeteries Branch, for approval of this by-law.

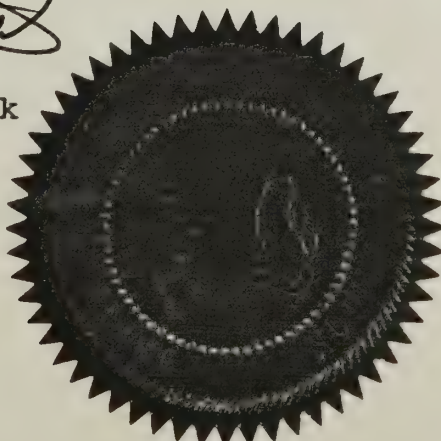
PASSED this 12th day of January , 1993.

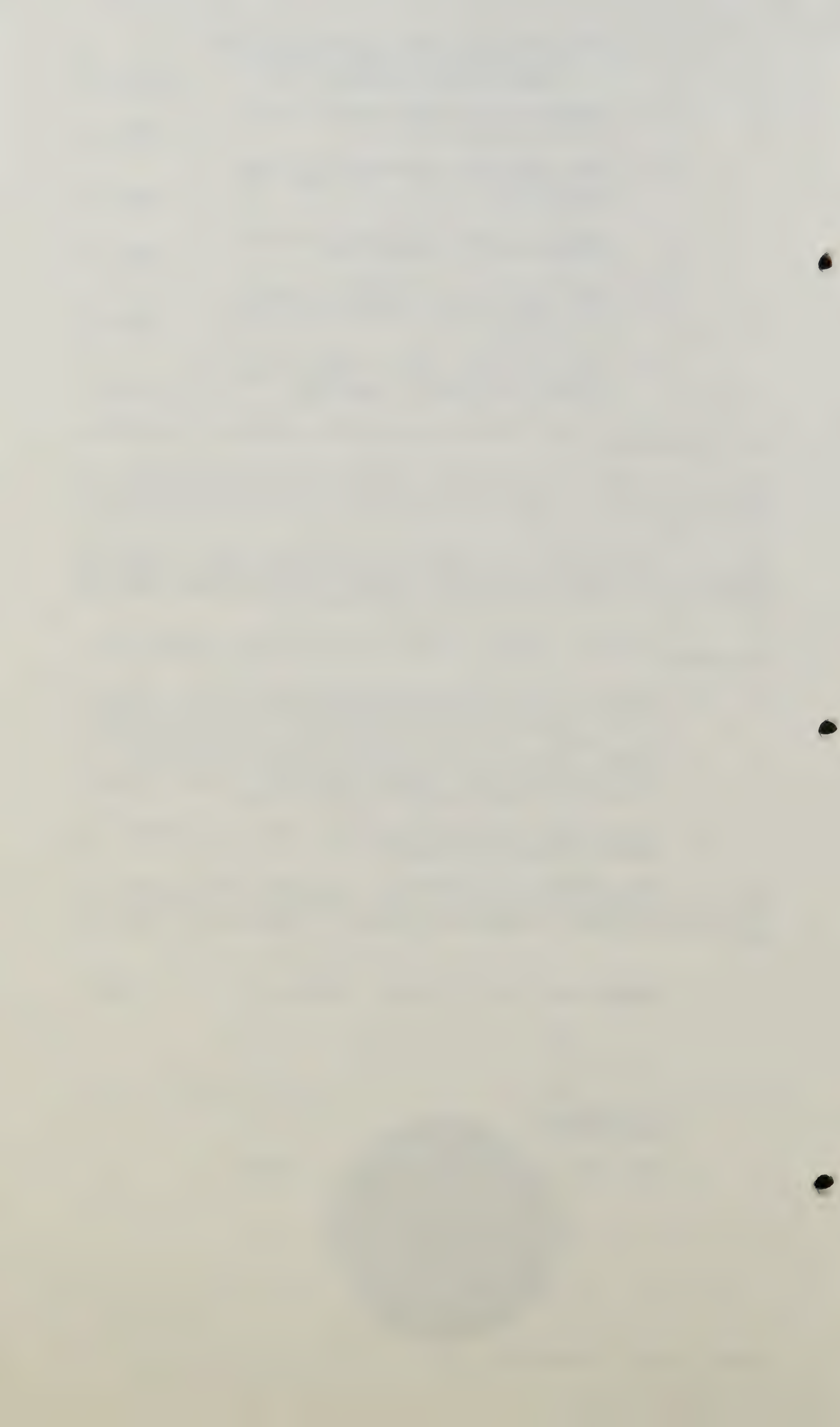


City Clerk



Mayor





HAMILTON MUNICIPAL CEMETERIES' TARIFF OF CHARGES

JANUARY 2, 1993

(Cemeteries By-Law No. 8861)

<u>GRAVES AND LOTS</u>	<u>Resident and Non-Resident Realty Taxpayers</u>			<u>Non-Residents</u>		
		<u>G.S.T.</u>	<u>TOTAL</u>		<u>G.S.T.</u>	<u>TOTAL</u>
Adult Single In A Row Grave (Graves cannot be selected or purchased in advance but are opened in sequence)	446.00	31.22	477.22	551.00	38.57	589.57
Adult Single Grave (Where grave may be selected and purchased in advance of need)	746.00	52.22	798.22	922.00	64.54	986.54
Child Single In A Row Grave						
Case up to 60"	107.00	7.49	114.49	139.00	9.73	148.73
Case 61" to 72"	158.00	11.06	169.06	207.00	14.49	221.49
Baby Special Grave (Multiple burials - up to one month old)	47.00	3.29	50.29	49.00	3.43	52.43
Urn Garden Grave	248.00	17.36	265.36	302.00	21.14	323.14
Columbarium	919.00	64.33	983.33	1,103.00	77.21	1,180.21
Veteran's Grave	424.00	29.68	453.68			
Two-Grave Lot	1,711.00	119.77	1,830.77	2,133.00	149.31	2,282.31
Two-Grave Lot - Eastlawn Section 15,16 (6' burials only)	1,396.00	97.72	1,493.72	1,744.00	122.08	1,866.08
Three-Grave Lot - Woodland	2,555.00	178.85	2,733.85	3,196.00	223.72	3,419.22
Four-Grave Lot - Woodland Section 21, 25 - Eastlawn Section 19 ...	3,349.00	234.43	3,583.43	4,259.00	298.13	4,557.13
Four-Grave Lot - Woodland Section 15 ...	6,187.00	433.09	6,620.09	7,729.00	541.03	8,270.03
Four-Grave Lot - Trinity	3,147.00	220.29	3,367.29	3,994.00	279.58	4,273.58
Mansion of Memories - Mausoleum Crypt	1,192.00	83.44	1,275.44	1,310.00	91.70	1,401.70

NOTE: 40% of grave and lot sales goes into Care & Maintenance
20% of mausoleum crypt sales goes into Care & Maintenance
15% of columbarium sales goes into Care & Maintenance

HAMILTON MUNICIPAL CEMETERIES' TARIFF OF CHARGES

JANUARY 2, 1993

		Resident and Non-Resident <u>Realty Taxpayers</u>			<u>Non-Residents</u>		
<u>OPENING AND CLOSING</u>			<u>G.S.T.</u>	<u>TOTAL</u>		<u>G.S.T.</u>	<u>TOTAL</u>
6 ft. Adult	453.00	31.71	484.71	524.00	36.68	560.68	
8 ft. Adult	610.00	42.70	652.70	678.00	47.46	725.46	
6 ft. Child - case up to 42"	274.00	19.18	293.18	402.00	28.14	430.14	
- case 43" - 60"	311.00	21.77	332.77	441.00	30.87	471.87	
- case 61" - 72"	345.00	24.15	369.15	498.00	34.86	532.86	
8 ft. Child - case up to 60"	345.00	24.15	369.15	498.00	34.86	532.86	
- case 61" - 72"	383.00	26.81	409.81	551.00	38.57	589.57	
Baby Special - Multiple burials - Up to one month old	61.00	4.27	65.27	92.00	6.44	98.44	
Cremation	147.00	10.29	157.29	210.00	14.70	224.70	
Columbarium	96.00	6.72	102.72	115.00	8.05	123.05	
Mansion of Memories - Stoney Creek - New Crypts only	373.00	26.11	399.11	438.00	30.66	468.66	
<u>LOWERING</u> (Includes Opening, Removal, Lowering, Closing)							
<u>Adult</u>							
From 6 ft. to 8 ft. - Shell	1,749.00	122.43	1,871.43	2,099.00	146.93	2,245.93	
From 6 ft. to 8 ft. - Crypt or Vault ..	1,456.00	101.92	1,557.92	1,747.00	122.29	1,869.29	
<u>Child</u>							
From 6 ft. to 8 ft. - Shell	621.00	43.47	664.47	745.00	52.15	797.15	
From 6 ft. to 8 ft. - Crypt or Vault ..	521.00	36.47	557.47	625.00	43.75	668.75	
<u>REMOVALS</u>							
<u>Adult</u> - Shell	1,592.00	111.44	1,703.44	1,910.00	133.70	2,043.70	
- Concrete Vault or Crypt	1,299.00	90.93	1,389.93	1,559.00	109.13	1,668.13	
<u>Child</u> - Shell	550.00	38.50	588.50	660.00	46.20	706.20	
- Concrete Vault or Crypt	450.00	31.50	481.50	540.00	37.80	577.80	
<u>ADDITIONAL SERVICES</u>					<u>G.S.T.</u>	<u>TOTAL</u>	
<u>CRYPTS</u>							
Child			272.00	19.04	291.04		
Youth			285.00	19.95	304.95		
Standard			297.00	20.79	317.79		
Intermediate			305.00	21.35	326.35		
Oversize			324.00	22.68	346.68		
<u>PLANTING</u>							
Preparing ground and planting flowers - per grave			40.00	2.80	42.80		
<u>MISC.</u>							
Tent in Cemetery			135.00	9.45	144.45		
Rental of tent outside Cemetery			184.00	12.88	196.88		
Transfer Fee			40.00	2.80	42.80		
Bronze Memorial Plaque for Columbarium Niche			275.00	19.25	294.25		
Companion Vase for above Plaque			54.00	3.78	57.73		
Family Tree Research - Per Name			2.00	.14	2.14		

HAMILTON MUNICIPAL CEMETERIES' TARIFF OF CHARGES

JANUARY 2, 1993

<u>FOUNDATIONS AND MARKERS</u>		<u>Resident and Non-Resident Realty Taxpayers</u>		<u>Non-Residents</u>	
		<u>G.S.T.</u>	<u>TOTAL</u>	<u>G.S.T.</u>	<u>TOTAL</u>
*Foundation - pouring per square inch of surface area (to be poured 6 ft. deep	.94	+7%		1.41	+ 7%
*Marker Setting Fee	114.00	7.98	121.98	177.00	12.39 189.39
(Maximum size 24" long x 18" wide)					
(Thickness 4" minimum - 8" maximum)					
Social Service Marker	114.00	7.98	121.98		
Bronze Vase	114.00	7.98	121.98	177.00	12.39 189.39
D.V.A. Upright	96.00	6.72	102.72		
D.V.A. Flat	96.00	6.72	102.72		

Preferred Singles

Only a flat marker 24" in length and 18" in width is permitted, 4" minimum thickness.

Single Graves in a Row

A flat granite marker 24" in length and 18" in width or smaller, minimum 4" thickness.

Urn Garden Section

Only a flat marker 12" in length x 10" in width and 4" minimum thickness is permitted.

Children's Section

Only a flat marker 18" in length x 14" in width and 4" minimum thickness is permitted.

Two-Grave Lot Section

Upright monument is allowed, maximum length of base must not exceed 3'2" (38") and maximum width must not exceed 1'2" (14"). All bases must be at least 6" in height. The total over-all height of any memorial must not exceed 4' (48"). All memorial bases must have a projection of at least 3" on all sides from the edge of the die or cross. For safety reasons, 6" thick monuments must be pinned to the base as well as the foundation. All other monuments must be 8" in thickness. No vases, either cut into the monument or placed upon the monument will be allowed. No bronze plaques are permitted on upright monuments. (These regulations comply with recommendations made by the joint committee of OAC & OMBA.)

Three and Four-Grave Lot Section

Maximum base area not to exceed 10% of lot area. Total over-all height to be governed by base size for appearance and balance. All other regulations for Two-Grave Lot apply to Three and Four-Grave Lots as well.

*Note: As of July 1, 1992, there will be an additional charge which will be for the Care and Maintenance Fund for markers and upright monuments as follows:

- (a) Any flat marker under 173 square inches - no charge
- (b) Any flat marker over 173 square inches - \$ 50.00
- (c) Any upright monument 4 ft. or under in length or height 100.00
- (d) Any upright monument over 4 ft. in either length or height 200.00

Upright height includes the base.

BY-LAW NO. 93 - 020

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 12TH DAY OF JANUARY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 12th

day of January

A.D. 1993



CITY CLERK



MAYOR

BY-LAW NO. 93 - 021

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 19TH DAY OF JANUARY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 19th

day of January

A.D. 1993

A. J. Holbourn

ACTING CITY CLERK

Chris Fero

ACTING MAYOR



The Corporation of the City of Hamilton

BY-LAW NO. 93-022

To Amend:

By-law No. 86-99

As Amended by By-laws No. 88-144 and 92-056

Respecting:

**MEMBERS OF THE BOARD OF MANAGEMENT OF
THE OTTAWA STREET NORTH BUSINESS IMPROVEMENT AREA**

WHEREAS By-law No. 86-99, passed on the 11th day of March 1986, provided for a Board of Management of the Improvement Area designated by By-law No. 86-31, passed on the 10th day of December 1985, known as the "Ottawa Street North Business Improvement Area", more particularly described in By-law No. 86-31, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 88-144, passed on the 31st day of May 1988 amended Schedule "B" of By-law No. 86-99 to appoint new members to the Board of Management;

AND WHEREAS By-law No. 92-056, passed on the 11th day of February 1992 repealed and replaced Schedule "A" and Schedule "B" of By-law No. 86-99 to appoint new members to the Board of Management;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 1 of the 1st Report of the Planning and Development Committee at its meeting held on the 12th day of January 1993, directed that the composition of the Board of Management be further amended, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Schedule "B" referred to in clause 2(b) of By-law No. 86-99, as amended, is further amended by deleting the following name:

Lynne Zarubiak

Deblynn's Hair Salon

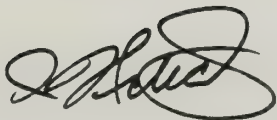
- (b) Schedule "B" referred to in clause 2(b) of By-law No. 86-99, as amended, is further amended by adding the following names:

Gaston LeBay
Michael Keir

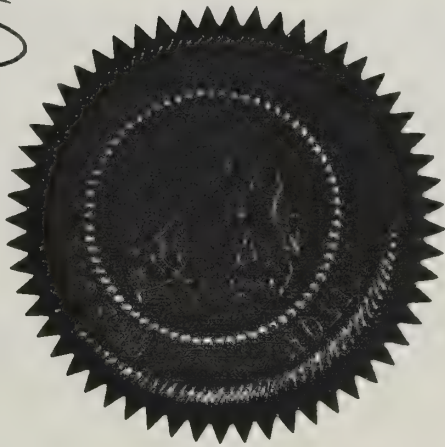
Woodhouse Furniture
Surplus Plus Discount Store

2. In all other respects, By-law No. 86-99, as amended, is hereby confirmed, unchanged.

PASSED this 26th day of January A.D. 1993.



City Clerk



Mayor

(1993) 1 R.P.D.C. 1, January 12

The Corporation of the City of Hamilton

BY-LAW NO. 93-023

To Amend:

By-law No. 86-212

As Amended by By-laws No. 87-229 and 92-057

Respecting:

MEMBERS OF THE BOARD OF MANAGEMENT OF
THE INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA
GENERALLY COVERING BOTH SIDES OF KING STREET EAST
BETWEEN MARY STREET AND WELLINGTON STREET

WHEREAS By-law No. 86-212, passed on the 25th day of June 1986, provided for a Board of Management of the Improvement Area designated by By-law No. 76-19, passed on the 27th day of January 1976, known as the "International Village Business Improvement Area", more particularly described in By-law No. 76-19, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 87-229, passed on the 28th day of July 1987, amended Schedule "B" of By-law No. 86-212 to appoint new members to the Board of Management;

AND WHEREAS By-law No. 92-057, passed on the 11th day of February 1992, repealed and replaced Schedule "B" of By-law No. 86-212 to appoint new members to the Board of Management;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 3 of the 1st Report of the Planning and Development Committee on the 12th day of January, 1993, directed that the composition of the Board of Management be further amended, in accordance with Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Schedule "B" referred to in clause 2(b) of By-law No. 86-212, as amended, is further amended by deleting the following names:

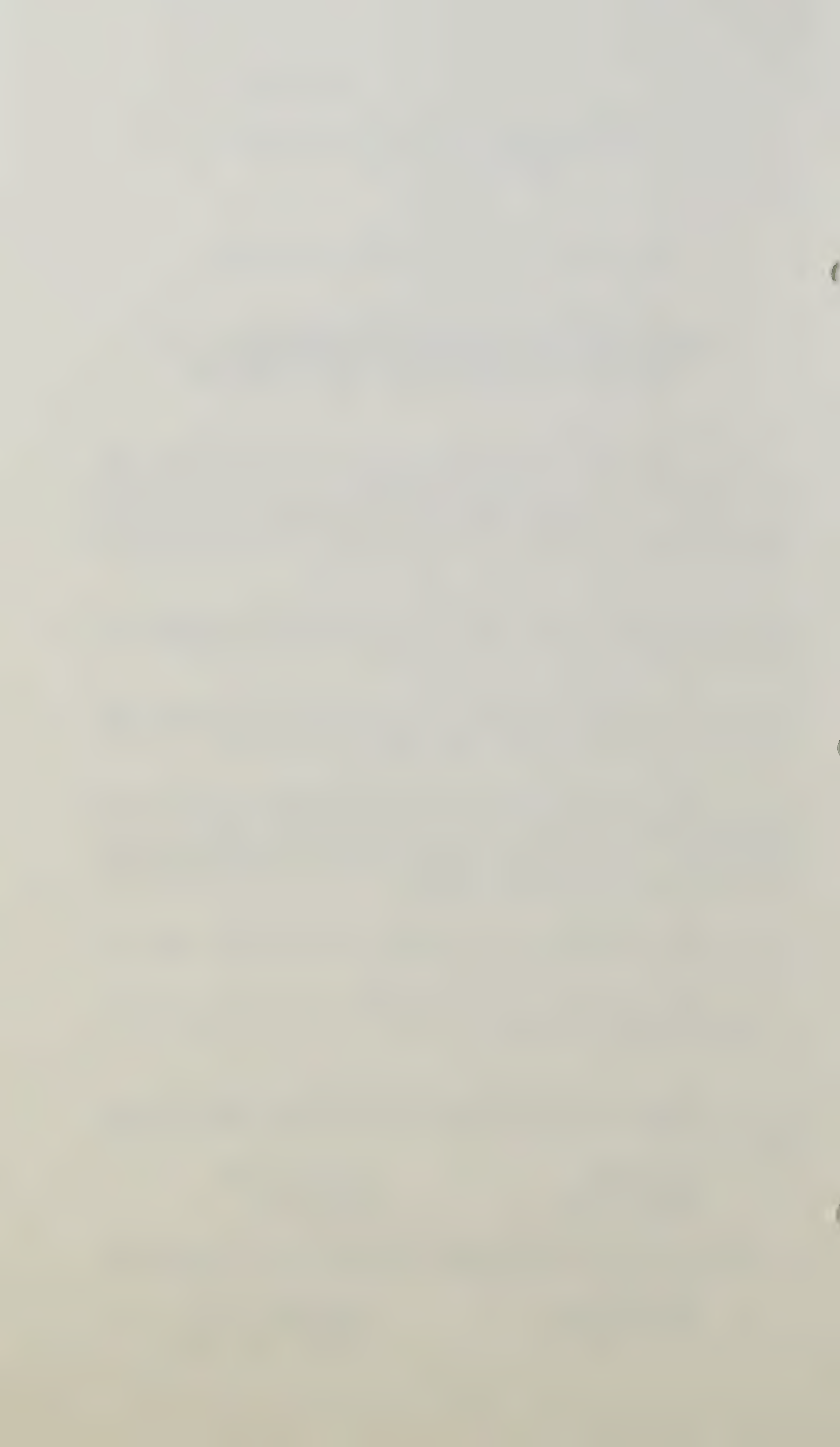
Jim Lyons
Shakiel Baig
Bob Siromsky

The Card Shark
Rock 'N Tees
Bad Bob's

(b) Schedule "B" referred to in clause 2(b) of By-law No. 86-212, as amended, is further amended by adding the following names:

Paul Kircos
Lawrence Payne
Gord Thompson

Alexanian Carpets
Payne Music
Thompson Jewellery



2. In all other respects, By-law No. 86-212, as amended, is hereby confirmed, unchanged.

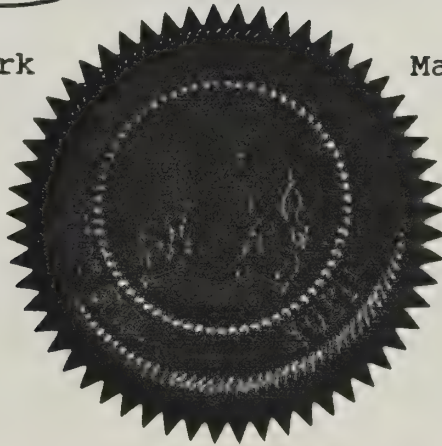
PASSED this 26th day of January A.D. 1993.



City Clerk



Mayor



(1993) 1 R.P.D.C. 3, January 12

BY-LAW NO. 93 -024

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 26TH DAY OF JANUARY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

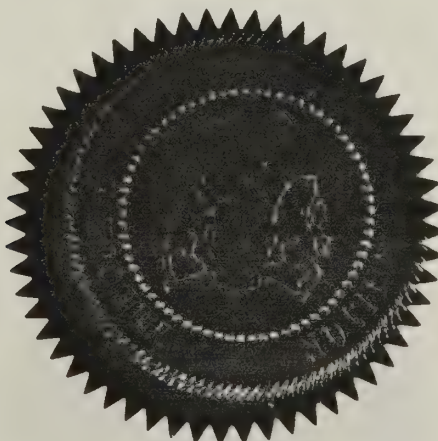
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 26th day of January A.D. 1993



CITY CLERK



MAYOR

BY-LAW NO. 93 - 025

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 29TH DAY OF JANUARY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

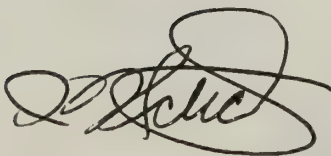
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 29th

day of January

A.D. 1993



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93- 026

TO INCORPORATE PART 12, 62R-11311
UPPER WENTWORTH STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Upper Wentworth Street by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Wentworth Street.

Part of Lots 8 & 9 Concession 1 (former geographic Township of Glanford) designated as Part 12, Plan 62R-11311.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this *9th* day of *February* A.D. 1993.



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-027

**TO INCORPORATE PART 1, 62R-12227
TOWERCREST DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Towercrest Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Towercrest Drive.

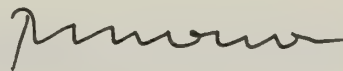
Part of Lot 13, Concession 7 (former geographic Township of Barton) designated as Part 1, Plan 62R-12227.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

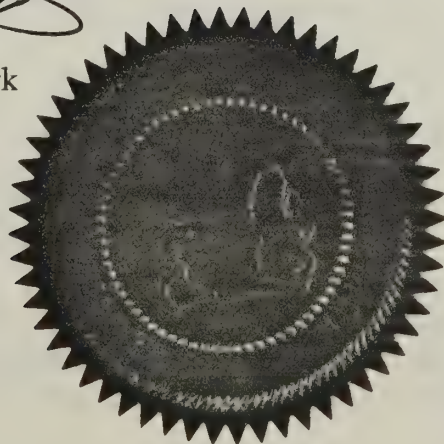
PASSED this *9th* day of *February* A.D. 1993.



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93 - 028

To Authorize:

1. The construction of local improvements of an independent concrete sidewalk on the east side of UPPER SHERMAN AVENUE approx. 35m north of Limeridge Road East to approx. 26m northerly, as described in Schedule "A";
2. The special assessment to pay a portion of the cost upon petition made under Section 11 of The Local Improvement Act;
3. The preparation of plans, specifications and reports and the supervision of the construction by the Director of Public Works.

WHEREAS a petition has been received to construct as local improvements the works hereinafter described;

AND WHEREAS the City Clerk has certified as to the sufficiency of the said petition;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 26 of the 10th Report of the Transport & Environment Committee and Item 3 of the 18th Report of the Finance & Administration Committee on September 29, 1992;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Ontario Municipal Board did, on the 16th day of December, 1992, issue Order No. E921000 approving the application of The Corporation of the City of Hamilton for:

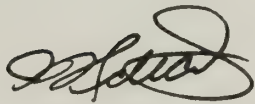
- (a) the construction of an independent concrete sidewalk on the east side of Upper Sherman Avenue approx. 35m north of Limeridge Road East to approx. 26m northerly, and,
- (b) the issue by The Regional Municipality of Hamilton-Wentworth of debentures for this purpose in a sum not exceeding \$2,097.60.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

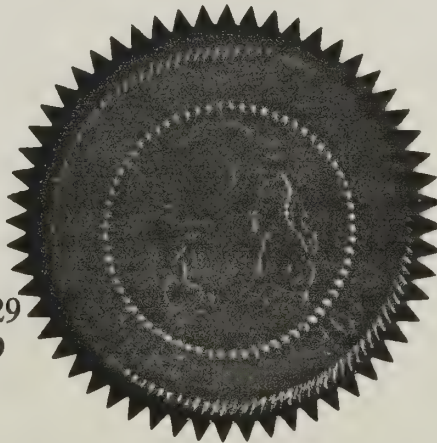
1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed \$6,200.00.

2. The share or portion of the estimated cost of the works in the amount of \$2,097.60 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$2,097.60; and,
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Director of Public Works is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this 9th day of February , A.D. 1993.



City Clerk




Mayor

(1992) 10 R.T.E.C. 26, September 29
 (1992) 18 R.F.A.C. 3, September 29

SCHEDULE 'A'

The Construction of an independent concrete sidewalk on the east side of UPPER SHERMAN AVENUE approx. 35m north of Limeridge Road East to approx. 26m northerly at the cost not exceeding those set out below:

City's Share	\$ 4,102.40
Owners' Share	<u>2,097.60</u>
Total Estimated cost	<u>\$ 6,200.00</u>

Estimated Cost per metre frontage	\$ 80.00
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Fifteen (15) annual instalments

BY-LAW NO. 93 - 029

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 25 (Parking Time Limits)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by deleting from **Section 7 (Three Hour Limit)** the following item, namely:-

"Bold	North	Bay to Caroline".
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and by adding to **Section 5 (One Hour Limit)** the following item, namely:-

"Bold	North	Bay to Caroline".
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2. **Schedule 25A (Parking Time Limits)** is hereby amended by adding to **Section 14 (One Hour Limit)** the following items, namely:-

"Columbia	West	commencing at Tyne Place (north leg) and extending to Bendamere
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Tyne	West	end to end".
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3. **Schedule 25B (Parking Time Limits)** is hereby amended by adding to **Section 1 (Three Hour Limit)** the following item, namely:-

"King William	South	Steven to Tisdale".
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4. **Schedule 26 (No Parking Areas)** is hereby amended:

- a) by adding to **Section A (No Parking Anytime)** the following items, namely:-

"Sherman	West	Cumberland to 105 feet northerly
Guildwood	North	Upper Horning to 70 feet easterly".

and by deleting therefrom the following item, namely:-

"Rogers	Both	King to Normandy".
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- b) by deleting therefrom **Section H (No Parking, 8:00 a.m. to 6:00 p.m.)** the following item, namely:-

"Park	East	commencing at a point 101 feet south of Robinson to a point 40 feet southerly therefrom".
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5. **Schedule 26A (No Parking Areas)** is hereby amended by adding to **Section F (No Parking Areas, 8:00 a.m. - 4:00 p.m., Monday to Friday)** the following item, namely:-

"Bond	West	Arkell to Main".
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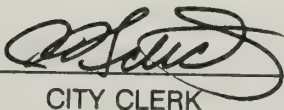
and by adding to **Section I (No Parking 8:00 a.m. - 6:00 p.m., Monday to Friday)**

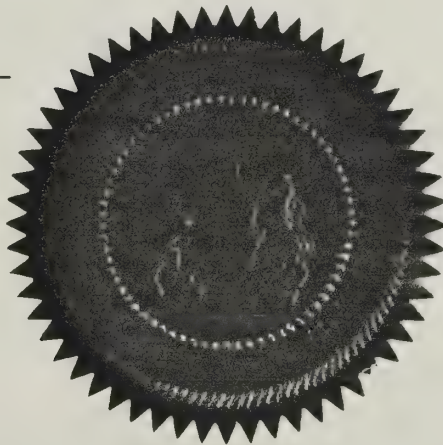
"Park	East	commencing at a point 101 feet south of Robinson to a point 40 feet southerly therefrom".
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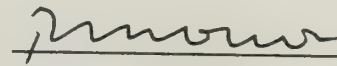
6. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Ferrie	North	commencing 68 feet west of Ferguson to a point 23 feet westerly	Anytime
Foster	North	commencing 180 feet west of Ferguson to a point 25 feet westerly	Anytime
East 27th	East	commencing 30 feet north of Mohawk to a point 19 feet northerly	Anytime
East 27th	West	commencing 31 feet north of Mohawk to a point 20 feet northerly	Anytime".

PASSED THIS *9th* DAY OF *February*, A.D. 1993.


CITY CLERK




MAYOR

BY-LAW NO. 93 - 030

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stop at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Eva Edgevale	Northbound Eastbound and Westbound	Eaglewood Paradise".
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2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Rogers	Both	King to Normandy	Anytime
Bond	West	commencing 75 feet north of the north curb line of Glen (east leg) and extending to a point 20 feet south of the south curb line of Glen (east leg)	7:00 a.m. to 6:00 p.m. Monday to Saturday
Bond	East	commencing 60 feet north of the north curb line of Glen (east leg) and extending to a point 54 feet south of the south curb line of Glen (east leg)	7:00 a.m. to 6:00 p.m. Monday to Saturday"

3. **Schedule 31 (School Bus Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Colcrest	South	40 feet commencing at a point 118 feet east of the east curb line of Seabrooke	7:00 a.m. to 6:00 p.m. Monday to Saturday".
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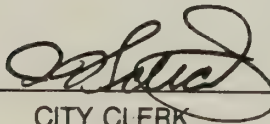
and by deleting therefrom the following items, namely:-

"Acadia	West	400 feet commencing at a point 24 feet south of Butler	7:00 a.m. to 6:00 p.m. Monday to Saturday".
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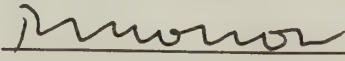
4. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Cochrane	East	22 feet commencing at a point 97 feet south of Central	9:00 a.m. to 5:00 p.m. Monday to Saturday".
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PASSED THIS 9th DAY OF February , A.D. 1993.


CITY CLERK




MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93- 031

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 331 HUNTER STREET WEST

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-13 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "G" (Neighbourhood Shopping Centre, etc.) District provisions, as contained in Section 13 of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 13(1) of By-law No. 6593, only the following uses shall be permitted:
 - (i) general offices;
 - (ii) a photographer's or artist's studio, but not including a motion picture studio;
 - (iii) a barber shop, hairdressing establishment, or beauty parlour;
 - (iv) a collecting and distributing station for a laundry or dry cleaner;
 - (v) a variety store;
 - (vi) a shoe repair shop;
 - (vii) a retail clothing store; and
 - (viii) a business identification sign in accordance with clause (xv);
- (b) notwithstanding Section 13(3) of By-law No. 6593, the following minimum yards shall apply:
 - (i) front west 1.5 m (Locke Street), except not less than 3.0 m shall be provided and maintained along the westerly lot line within 6.0 m of the northerly lot line;

The Corporation of the City of Hamilton

BY-LAW NO. 93- 032

To Amend:

Tariff of Fees By-law 93-019

Respecting:

PLANNING FEES

WHEREAS By-law 93-019 was enacted on the 12th day of January 1993 to establish a tariff of planning fees;

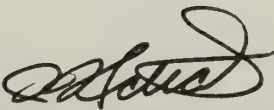
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. By-law 93-019 is amended by adding the heading "Planning Fees" immediately in front of Section 1.
2. By-law 93-019 is further amended by deleting subparagraph (ii) of subsection 2 of Section 1 and inserting in lieu the following:

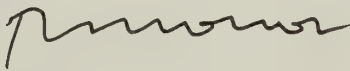
- "2. (ii) A complex Application
- (a) Phase 1 - Services up to the Council Report \$1,100.00
 - (b) Phase 2 - Services subsequent to the Council resolution approving the Application . . . \$600.00

3. In all other respects By-law 93-019 is hereby confirmed unchanged.

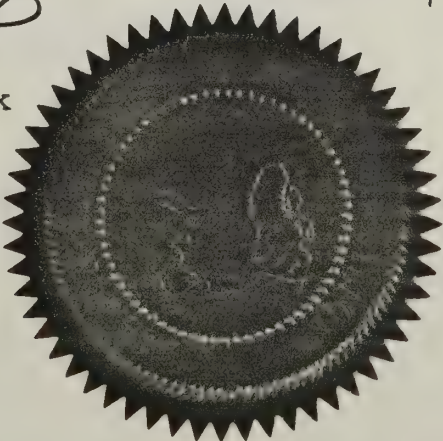
PASSED this 9th day of February , 1993.



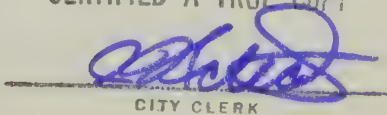
City Clerk



Mayor



CERTIFIED A TRUE COPY


CITY CLERK

(1993) 1 R.C.W. January 12

The Corporation of the City of Hamilton

BY-LAW NO. 93-033

To Adopt:

Official Plan Amendment No. 120

Respecting:

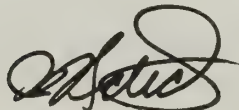
**LANDS LOCATED NORTH OF RYMAL ROAD WEST
AND EAST OF GARTH STREET
WITHIN THE SHELDON NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 120 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

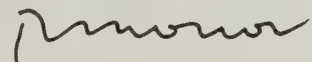
2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this 9th day of February A.D. 1993.



City Clerk





Mayor

Amendment No. 120

to the

City of Hamilton Official Plan

The following text, together with Schedule "A", attached hereto, constitutes Official Plan Amendment No. 120 .

Purpose:

The purpose of this Amendment is to redesignate the subject lands from:

- "Residential" to "Major Institutional";
- "Open Space" to "Residential"; and,
- "Major Institutional" to "Residential",

to permit the development of a retirement village, residential care facility, townhouses and single-family dwellings.

Location:

The lands affected by this Amendment are located north of Rymal Road West and east of Garth Street, within the Sheldon Neighbourhood.

Basis:

The basis for allowing the development of the retirement village, residential care facility, townhouses and single-family dwellings is as follows:

- 1) The proposal would implement the intent of the Approved Sheldon Neighbourhood Plan;
- 2) It would provide an alternative form of housing accommodation for the elderly population in a planned environment; and,
- 3) The proposed development would be compatible with existing development south of Rymal Road West, and compatible with the existing and planned development to the south and east of the subject lands.

Actual Changes:

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from:

- "Residential" to "Major Institutional";
- "Open Space" to "Residential"; and,
- "Major Institutional" to "Residential",

as shown on the attached Schedule "A" of this Amendment.

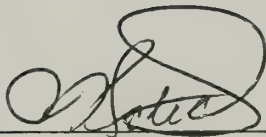
Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 93- 033 , passed on the 9th day of February 1993.

The Corporation of the

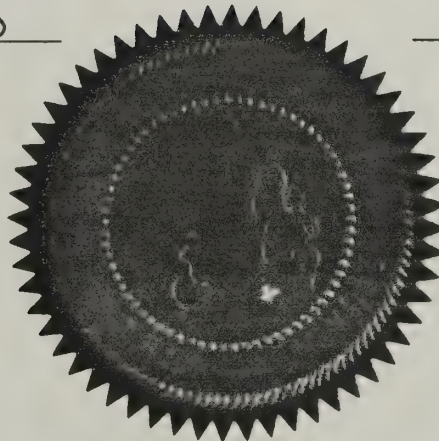
City of Hamilton



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 93- 034

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 625 AND 635 CONCESSION STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-24 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, the land comprised in Blocks 1 and 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the multiple dwelling and parish hall for Block 1, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 11(2)(ii) of By-law No. 6593, no building or structure shall exceed eight (8) storeys or 30.0 m in height;
- (b) Section 11(3)(i)(b) of By-law No. 6593 shall not apply, except a front yard depth of not less than 1.0 m shall be provided and maintained along the portion of the southerly lot line within 18.0 m of the easterly lot line;
- (c) Section 11(3)(ii)(b) of By-law No. 6593 shall not apply to the westerly lot line;
- (d) notwithstanding Section 11(3)(ii)(b) of By-law No. 6593, a side yard not less than 3.0 m in width shall be provided and maintained along the easterly lot line;
- (e) Section 11(3)(iii)(b) of By-law No. 6593 shall not apply, except a rear yard not less than 10.0 m in depth shall be provided and maintained for any portion of the building above the first storey;
- (f) notwithstanding Section 11(5) of By-law No. 6593, no building or structure shall exceed a gross floor area of more than 3893.0 m² and forty-one (41) dwelling units;

- (g) notwithstanding Section 18A(1) of By-law No. 6593, not less than fourteen (14) parking spaces shall be provided and maintained;
- (h) notwithstanding Section 18A(1)(c) of By-law No. 6593, one (1) loading space having dimensions of not less than 3.7 m in width, 9.0 m in length and 4.3 m in height shall be provided and maintained;
- (i) Section 18A(25) of By-law No. 6593 shall not apply;
- (j) a landscaped area not less than 150.0 m² shall be provided and maintained at grade;
- (k) a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the northerly lot line.

3. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised in Block 2, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 11(1) of By-law No. 6593, only the church use shall be permitted within the existing building on the date of passing of this by-law;
- (b) Section 11(3) of By-law No. 6593 shall not apply;
- (c) a roofed-over partially enclosed one-storey porch may be erected to the south-east corner of the existing church.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in sections 2 and 3.

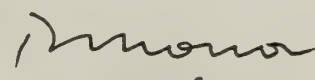
5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1302.

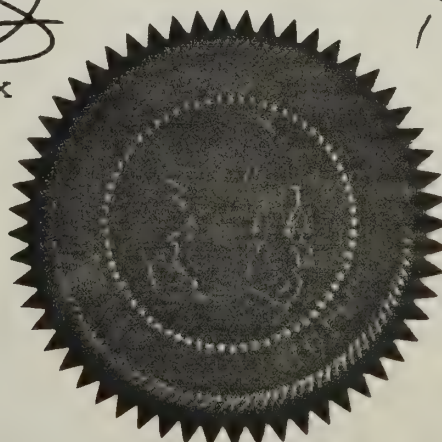
6. Sheet No. E-24 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1302.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

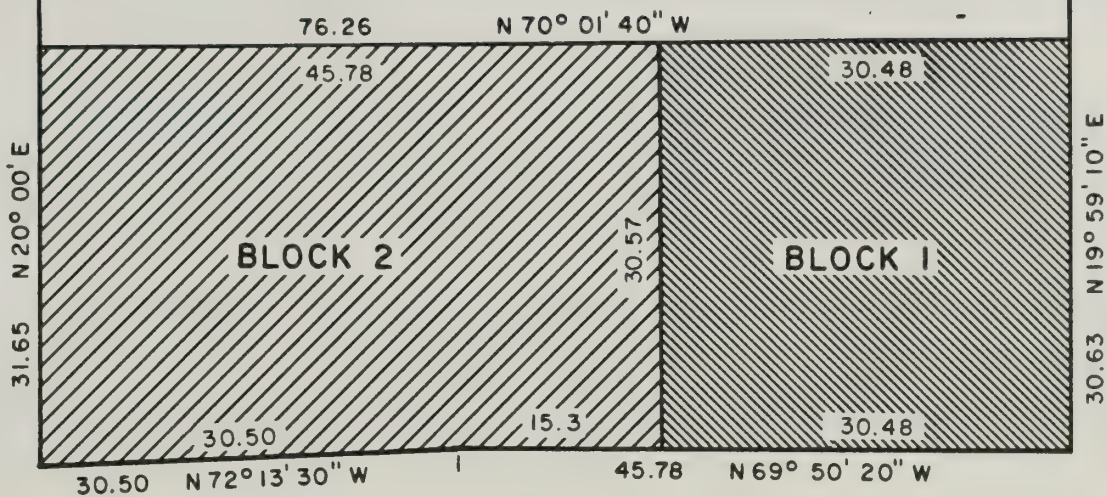
PASSED this 9th day of February A.D. 1993.


City Clerk


Mayor



VIEWPOINT AVENUE

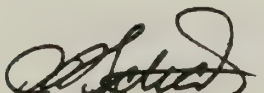


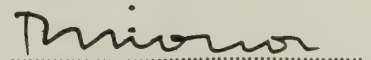
POPLAR AVENUE

CONCESSION STREET

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-034...
Passed the 9th day of February, 1993.


Clerk


Mayor

City of Hamilton
Schedule A

Map Forming Part of
By-Law No. 93-034...
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.

North

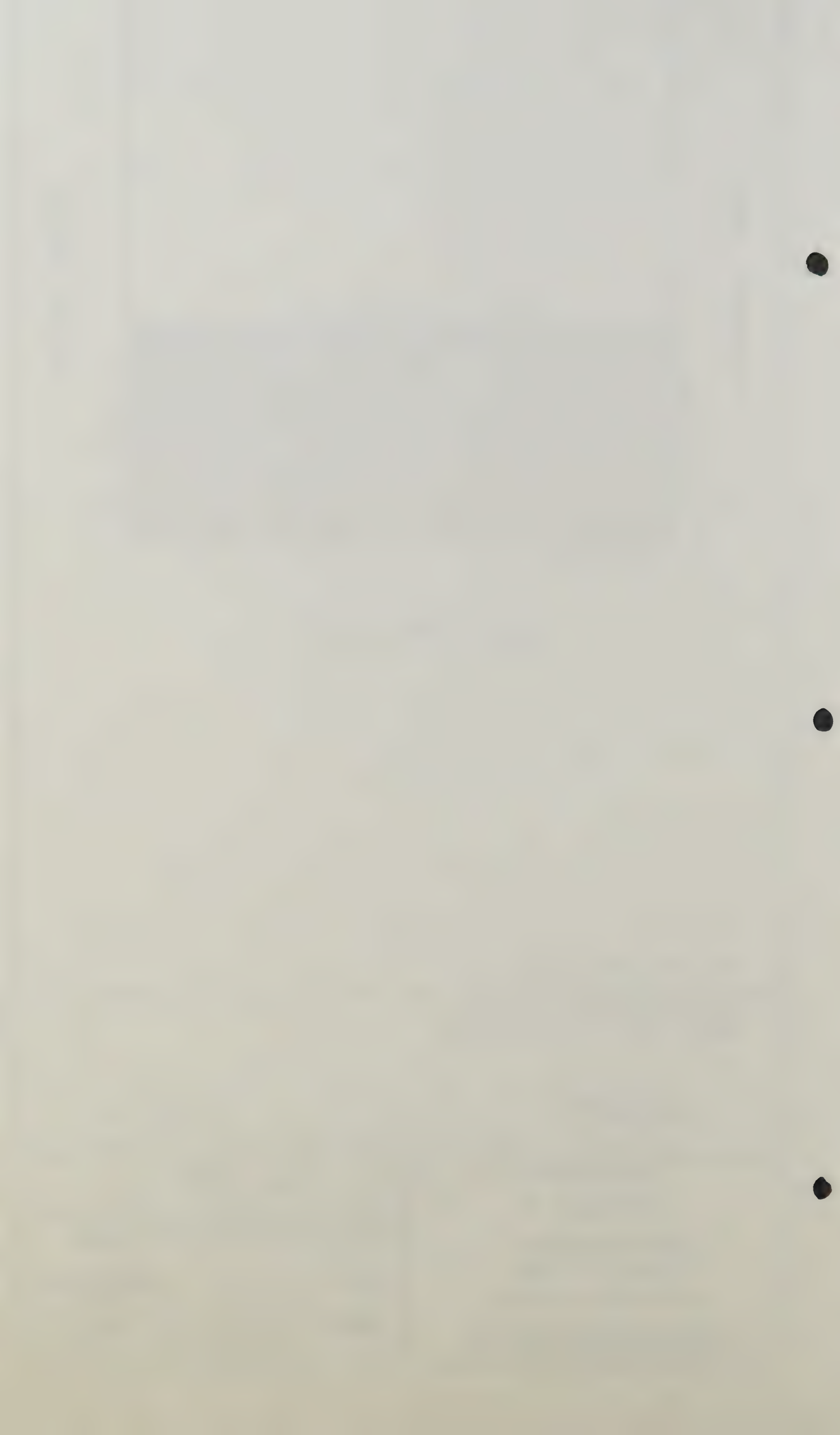


Scale
NOT TO SCALE

Date
JANUARY 1993

Reference File No.
ZA 92 - 07

Drawn By
Z.K.



The Corporation of the City of Hamilton

BY-LAW NO. 93-035

Respecting:

APPOINTMENT OF AN EXTERNAL AUDITOR

WHEREAS Section 86(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, authorizes City Council to appoint one or more auditors who are licensed under the Public Accountancy Act for a term of five years or less;

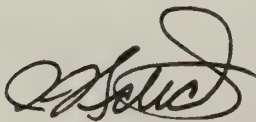
AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 6 of the 18th Report of the Finance Committee on October 8, 1991 appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor;

AND WHEREAS the Council of The Corporation of the City of Hamilton on February 9, 1993 in adopting Item 14 of the 3rd Report of the Finance and Administration Committee appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor for the year ending December 31, 1993;

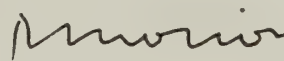
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The firm of MacGillivray Partners is appointed as The Corporation of the City of Hamilton's external auditor until December 31, 1993.
2. The firm of MacGillivray Partners shall also complete the 1993 Financial Report for The Corporation of the City of Hamilton.
3. The duties of the auditor shall include auditing the accounts and transactions of The Corporation of the City of Hamilton, every local board of The Corporation of the City of Hamilton, as defined by the Municipal Affairs Act, the Hamilton Entertainment and Convention Facilities Incorporated, the Hamilton Hydro Electric System, and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton.
4. The fee payable to the auditor shall be \$95,000 for 1993. The fee shall be reduced if the hours actually spent are less than anticipated by the City and the auditor. All disbursements are included as part of the regular fee.

PASSED this 9th day of February, 1993.

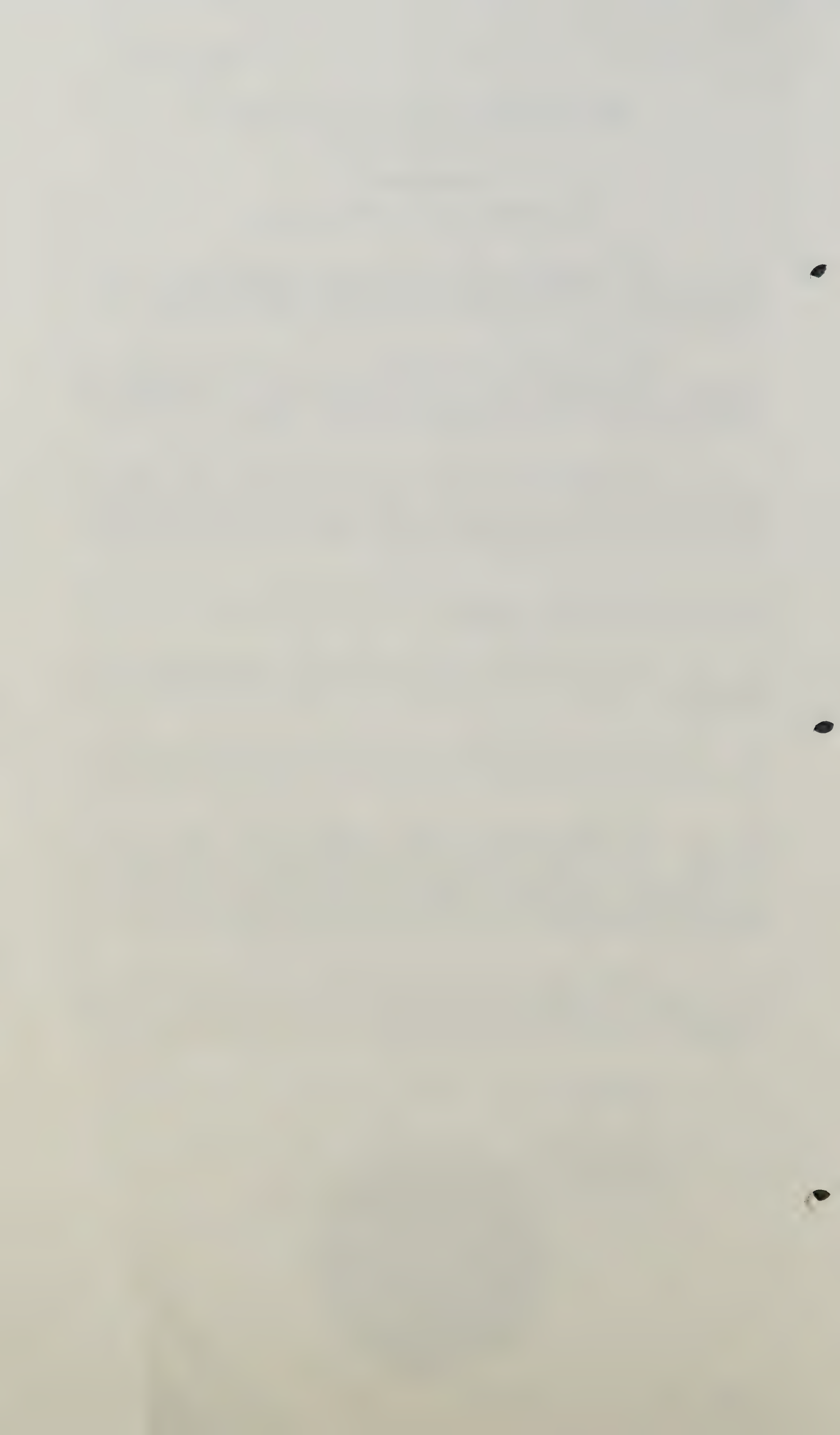


City Clerk



Mayor





BY-LAW NO. 93 -036

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 9TH DAY OF FEBRUARY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

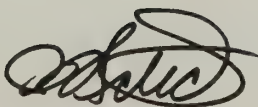
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

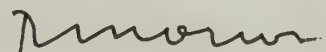
PASSED this 9th

day of February

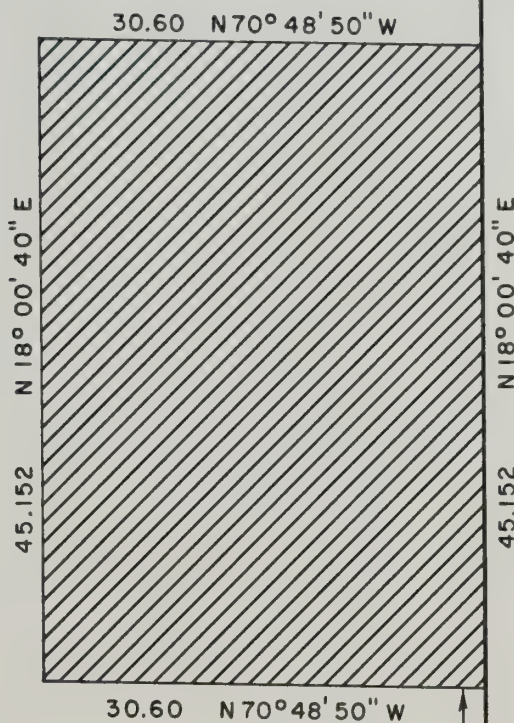
A.D. 1993



CITY CLERK



MAYOR



UPPER SHERMAN AVENUE

STONE CHURCH ROAD EAST

SOUTH WEST CORNER
OF LOT 9 - CON. 7

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-037.
Passed the 23rd day of February, 1993.


Clerk


Mayor

City of Hamilton Schedule A

Map Forming Part of
By-Law No. 93-037...
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to "R-2" (Urban
Protected Residential - One and Two
Family Dwellings, etc.) District.

North

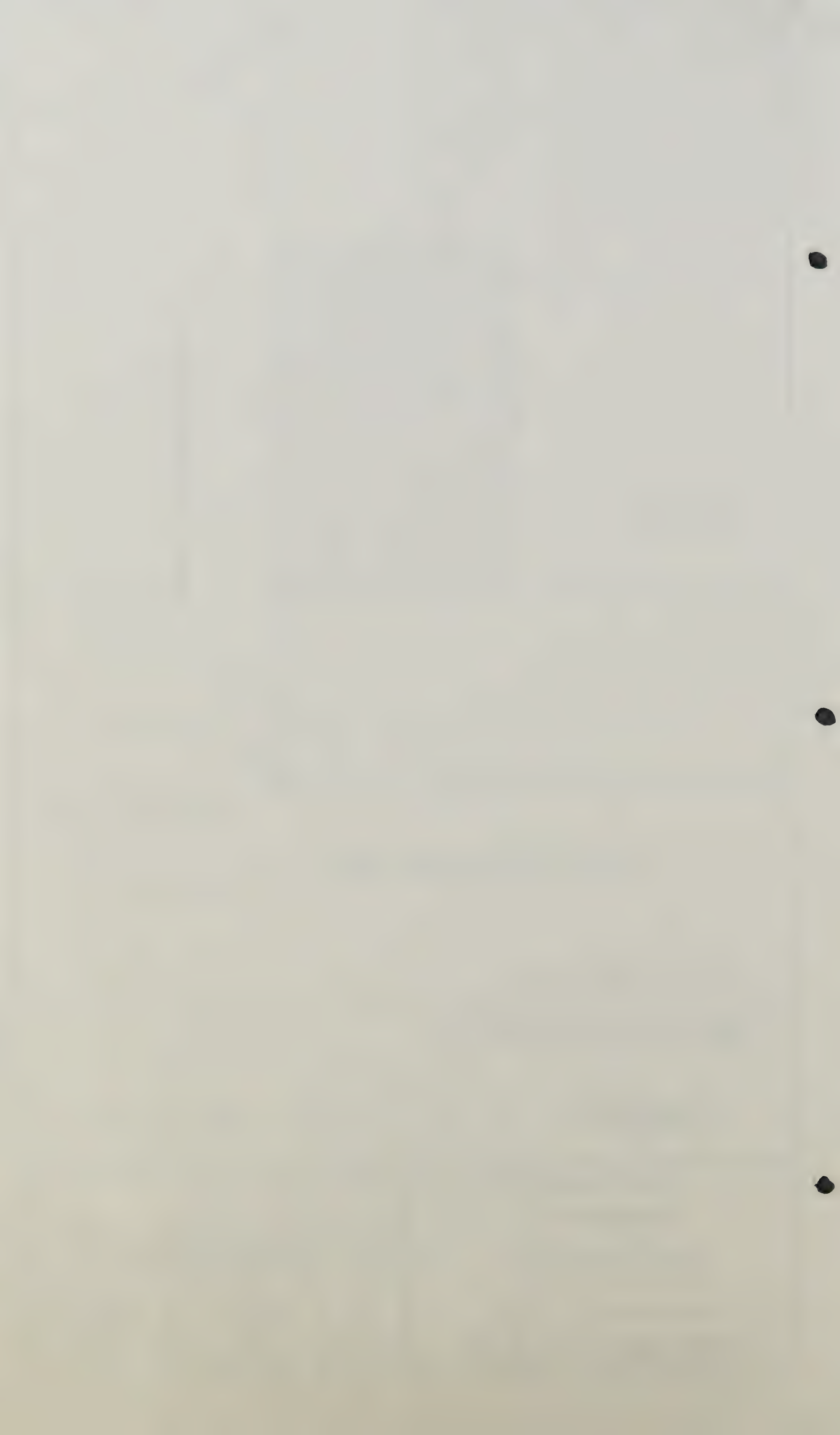


Scale
NOT TO SCALE

Date
JANUARY 1993

Reference File No.
ZA 92 - 47

Drawn By
Z.K.



The Corporation of the City of Hamilton

BY-LAW NO. 93- 038

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF MUNICIPAL NO. 240 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

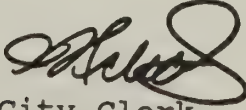
1. Sheets No. E-9D and E-18E of the District Maps, appended to and forming part of By-law No. 6593, are amended,
 - (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the land comprised in Block 1; and
 - (b) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

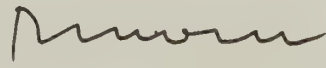
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

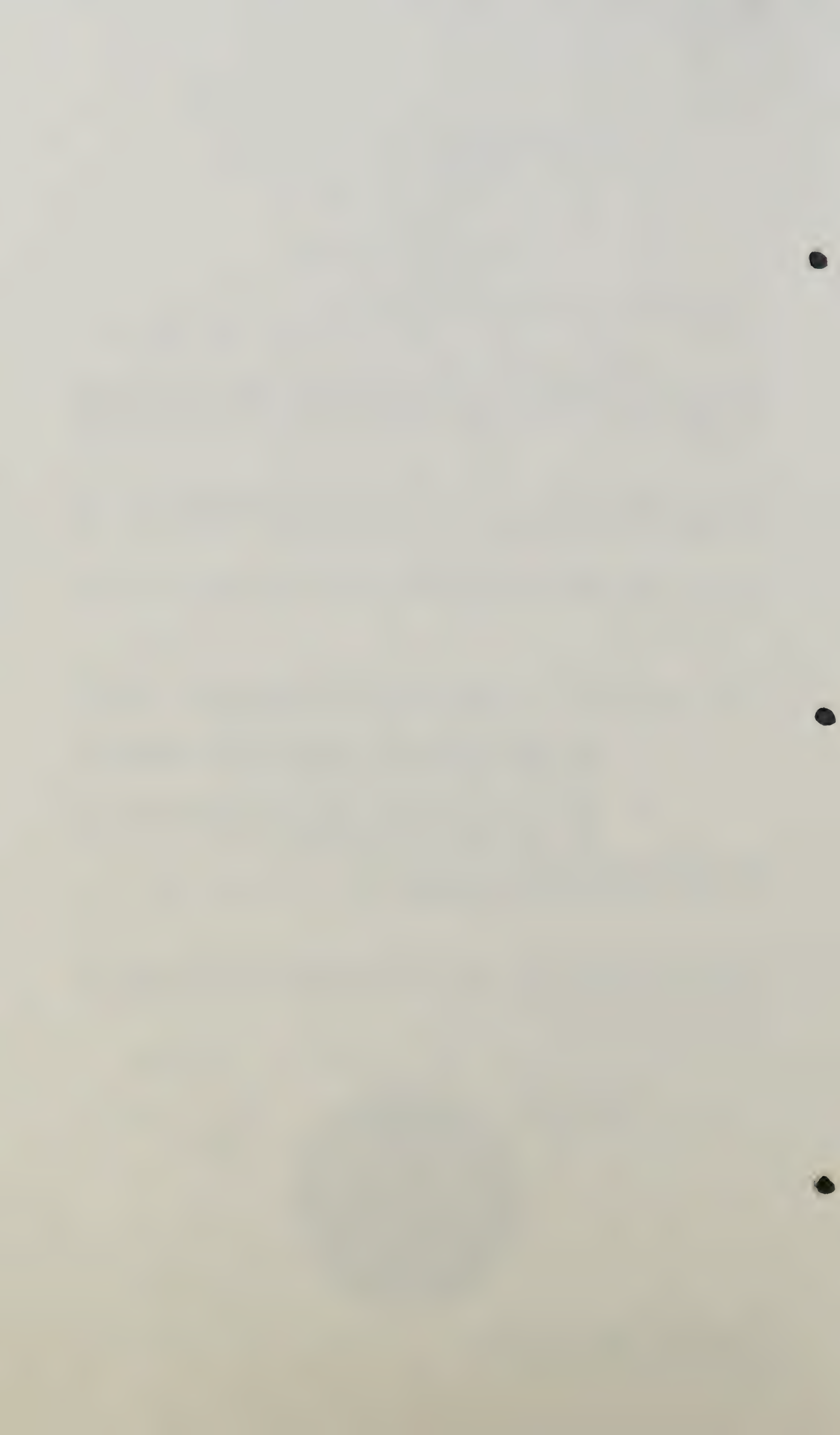
PASSED this 23rd day of February

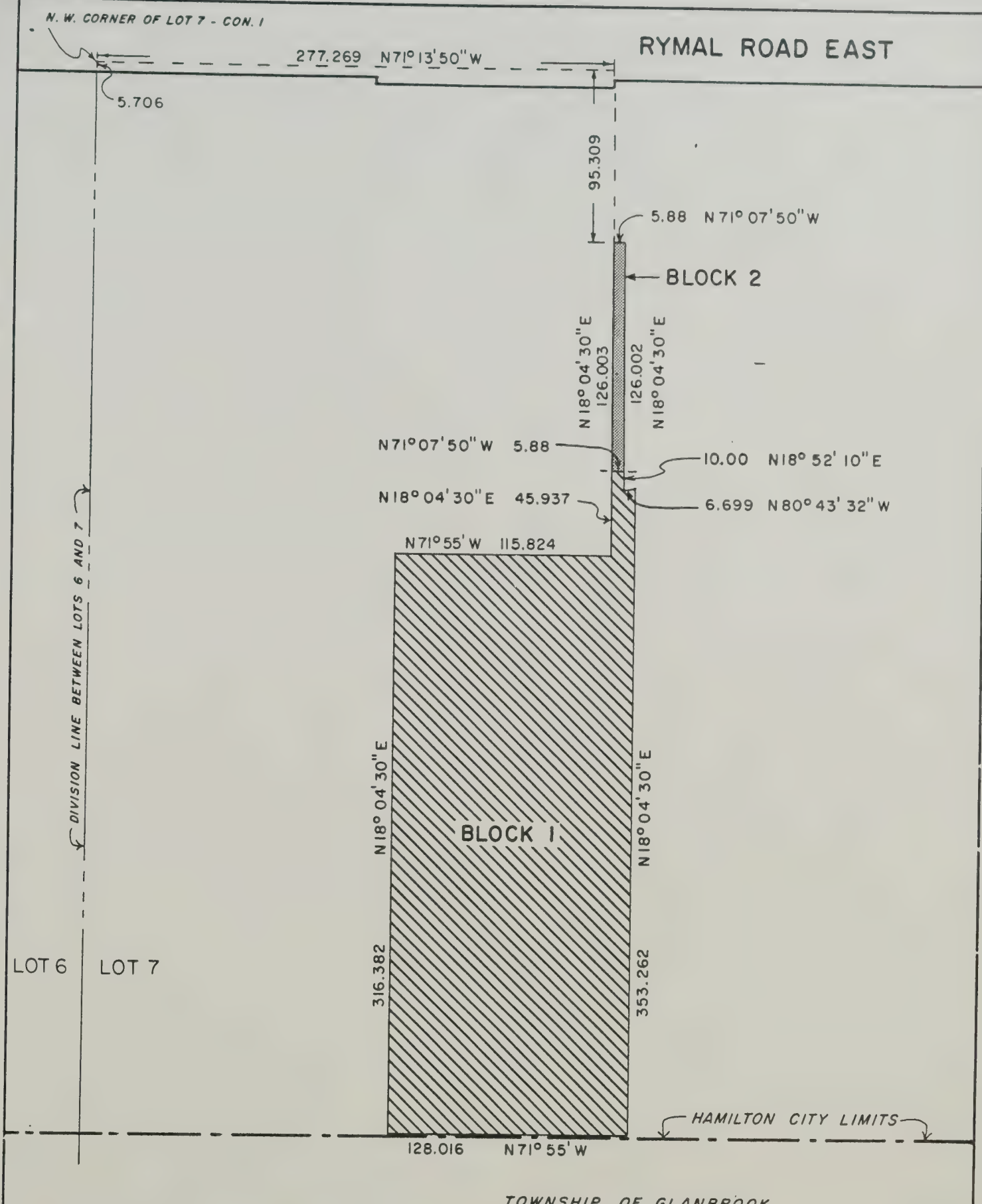
A.D. 1993.


City Clerk



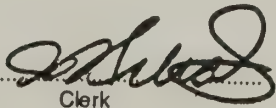

Mayor

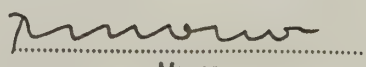




NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-038
Passed the 23rd day of February, 1993.


Clerk


Mayor

City of Hamilton Schedule A

Map Forming Part of
By-Law No. 93-038....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from "AA" (Agricultural) District to:

- BLOCK 1  "C" (Urban Protected Residential, etc.) District.
- BLOCK 2  "R-4" (Small Lot Single - Family Detached) District.

North



Scale

NOT TO SCALE

Date

FEBRUARY 1993

Reference File No.

C I 92 - C

Drawn By

Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 93-039

To Remove

LAND WITHIN THE "RANDALL ESTATES - PHASE 6 SUBDIVISION,
PART OF PLAN 62M-657 FROM PART LOT CONTROL

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land,...;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Those portions of Lots 2, 3 and 5 and portions of Blocks 11 and 14 within Registered Plan 62M-657, as described in Schedule "A" attached hereto,

in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this 23rd day of February A.D. 1993.



City Clerk

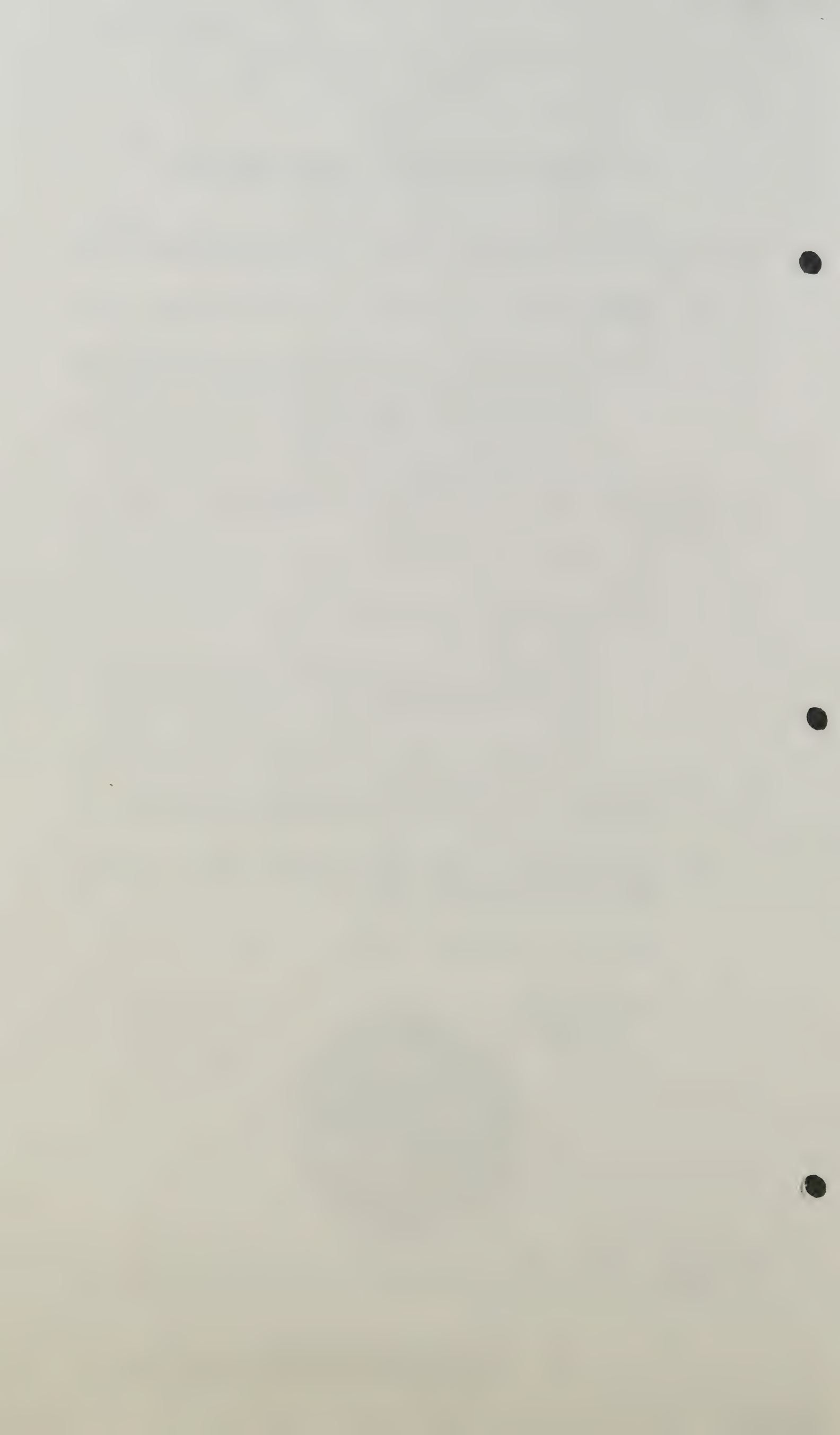


Mayor



This By-law is approved pursuant to Section 50(7), the Planning Act and Section 4, By-law No. R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth



Schedule "A"

To By-law No. 93- 039

<u>Land</u>	<u>Reference Plan</u>	<u>Lot/Block</u>	<u>Plan</u>	<u>Parcel</u>	<u>Section</u>
Part 1	62R-11204	Part of Lot 2	62M-657	Part of Plan -2	62M-657
Part 2	62R-11204	Part of Lot 3	62M-657	Part of 3-1	62M-657
Part 5	62R-11204	Part of Lot 5	62M-657	Part of 5-1	62M-657
Part 10	62R-11204	Part of Block 11	62M-657	Part of Block 11-1	62M-657
Part 13	62R-11204	Part of Block 14	62M-657	Part of Plan -1	62M-657

The Corporation of the City of Hamilton

BY-LAW NO. 93-040

To Remove

LAND WITHIN THE "RANDALL ESTATES - PHASE 6
AND STONE CHURCH SURVEY" SUBDIVISIONS,
PART OF PLAN 62M-657 AND PART OF LOT 3, PLAN 1059
FROM PART LOT CONTROL

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land,...;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Those portions of Lot 3 on Registered Plan 1059, designated as Parts 24 to 30, inclusive on Reference Plan 62R-11255; and

those portions of Blocks 15 and 16 within Registered Plan 62M-657, as described in Schedule "A" attached hereto,

in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this 23rd day of February A.D. 1993.

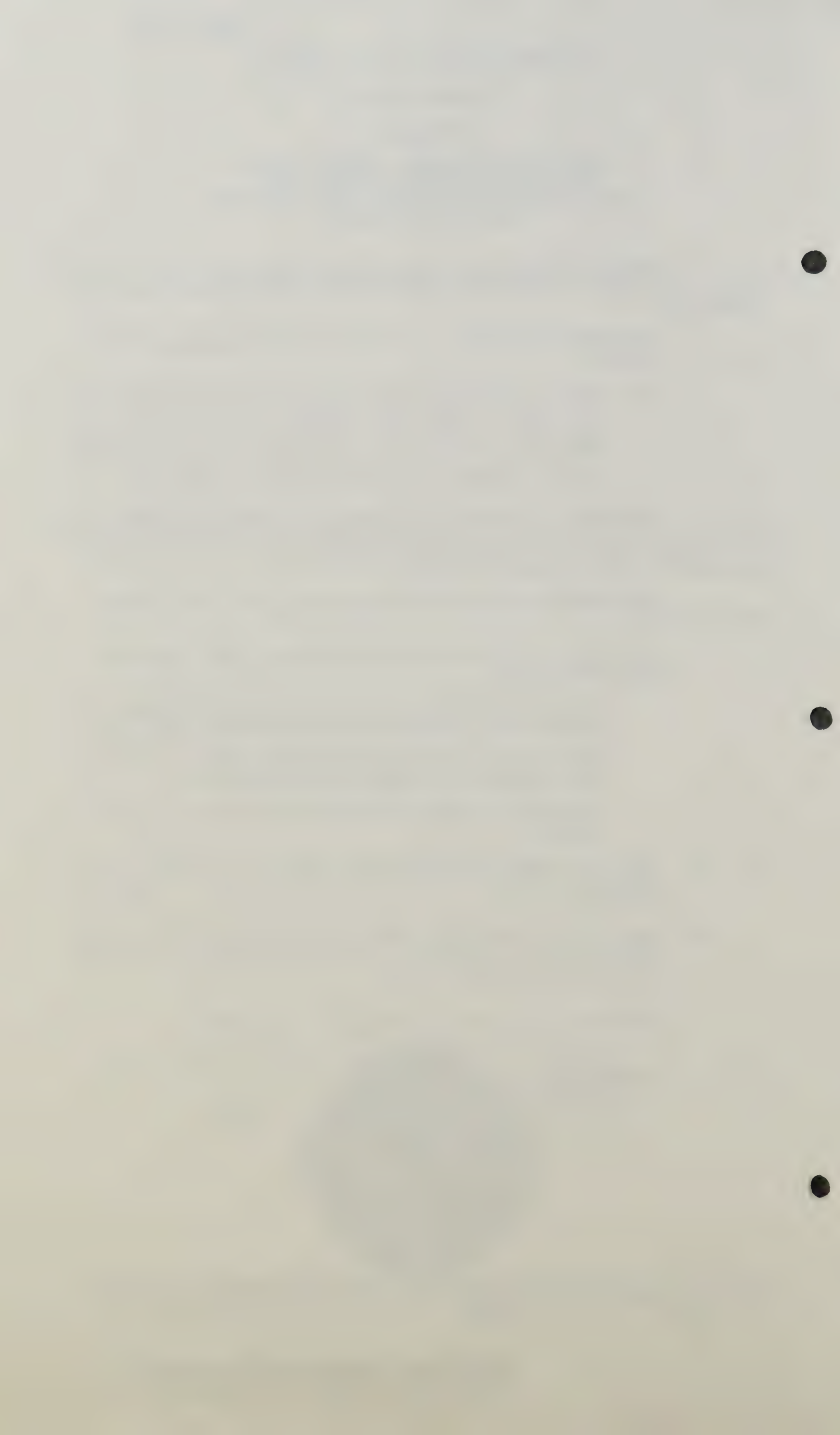

City Clerk




Mayor

This By-law is approved pursuant to Section 50(7), the Planning Act and Section 4, By-law No. R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth



Schedule "A"

To By-law No. 93- 040

<u>Land</u>	<u>Reference Plan</u>	<u>Lot/Block</u>	<u>Plan</u>	<u>Parcel</u>	<u>Section</u>
Parts 2 to 9	62R-11255	Block 15 (Rem.)	62M-657	Part of Plan -1	62M-657
Parts 10 to 12	62R-11255	Part of Block 16	62M-657	Part of Block 16-3	62M-657
Part 22	62R-11255	Part of Block 16	62M-657	Part of Block 16-2	62M-657
Part 18	62R-11255	Part of Block 16	62M-657	Part of Block 16-4	62M-657
Pts 16,17,20,21	62R-11255	Part of Block 16	62M-657	All of Block 16-1	62M-657

The Corporation of the City of Hamilton

BY-LAW NO. 93-041

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED ON THE NORTH SIDE OF RYMAL ROAD WEST
AND EAST OF GARTH STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 and with the Official Plan as amended by Official Plan Amendment No. 120, proposed by the Council of The Corporation of the City of Hamilton as By-law No. 93-033, but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-17D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

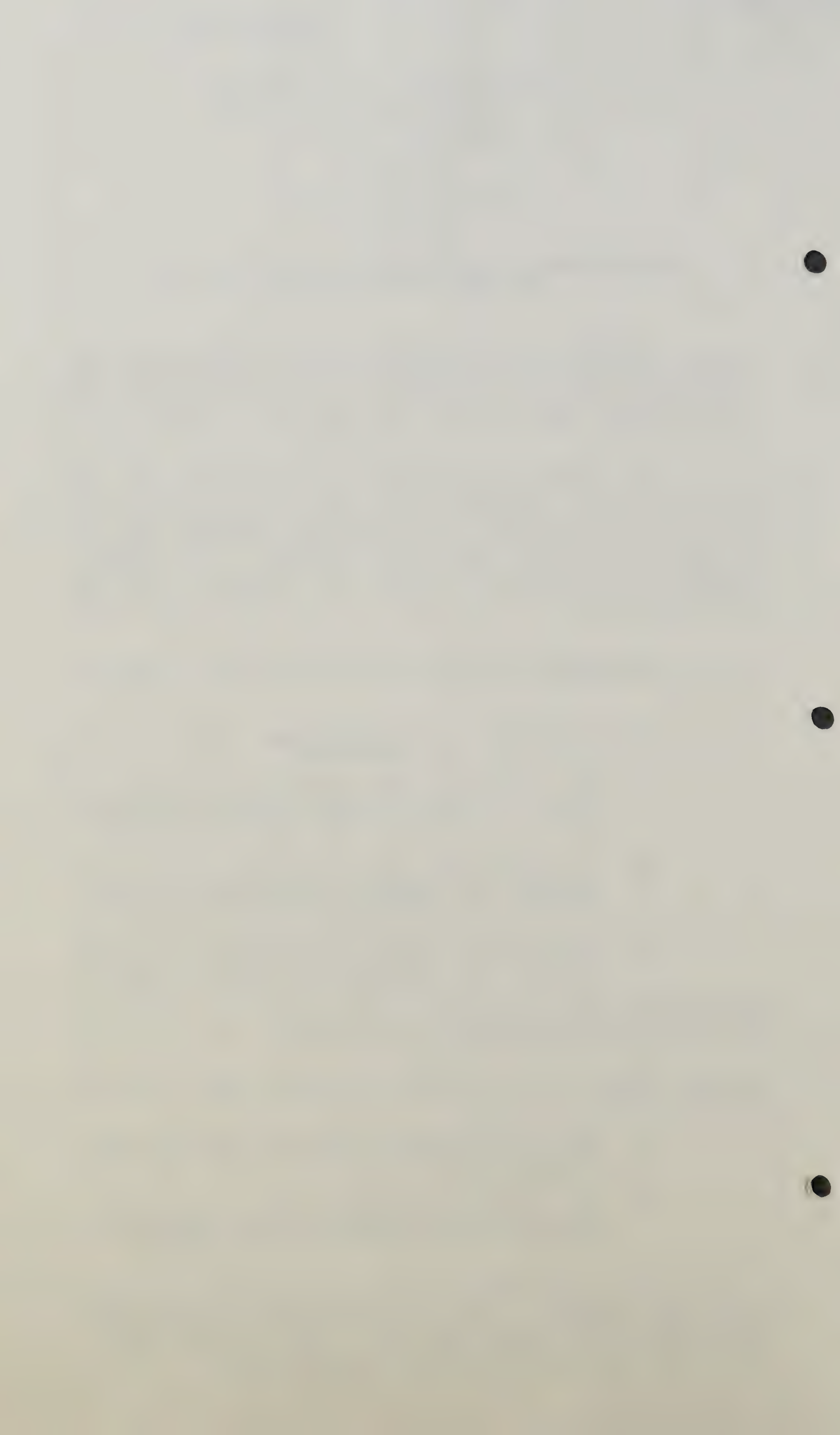
- (a) by changing from "AA" (Agricultural) District to "DE" - 'H' (Low Density Multiple Dwellings - Holding) District, the land comprised in Block 1; and
- (b) by changing from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, the land comprised in Block 2; and
- (c) by changing from "AA" (Agricultural) District to "B-2" - 'H' (Suburban Residential - Holding) District, the land comprised in Blocks 3 and 4,

the extent and boundaries of each of which Blocks 1, 2, 3 and 4 are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbols referred to in section 1 shall be removed conditional upon,

- (a) the availability of all such municipal sewers serving the subject lands as the City deems necessary, and
- (b) the applicant entering into a subdivision agreement to the satisfaction of the Commissioner of Transportation and Environmental Services.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "DE" District, "RT-20" District and "B-2" District provisions, subject to the special requirements referred to in section 3 of this by-law.



3. The "DE" (Low Density Multiple Dwellings) District provisions, as contained in Section 10A of Zoning By-law No. 6593, applicable to the land comprised in Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10A(1) of By-law No. 6593, only the following uses shall be permitted:
 - a retirement village consisting of:
 - (i) townhouse dwellings in accordance with Section 10E;
 - (ii) a residential care facility with accommodation for not more than 150 residents;
 - (iii) a recreation centre; and
 - (iv) accessory uses of a management office and a service building;
- (b) notwithstanding Section 10A(2) of By-law No. 6593, the residential care facility shall not exceed four storeys in height;
- (c) notwithstanding Section 10A(3) of By-law No. 6593, a front yard (Garth Street) of not less than 12.0 m shall be provided;
- (d) notwithstanding Section 10E(7) of By-law No. 6593, the density of the residential development shall not exceed 408 single family dwelling units;
- (e) notwithstanding Section 10E(17) of By-law No. 6593 not more than 16 townhouses having not more than 12 single-family dwelling units attached in a continuous row shall be permitted;
- (f) subsection 10A(6) of By-law No. 6593 shall not apply.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE" District provisions, subject to the special requirements referred to in section 3.

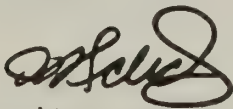
5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1301.

6. Sheet No. W-17D of the District Maps is amended by marking the lands referred to in section 1(a) of this by-law, S-1301.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

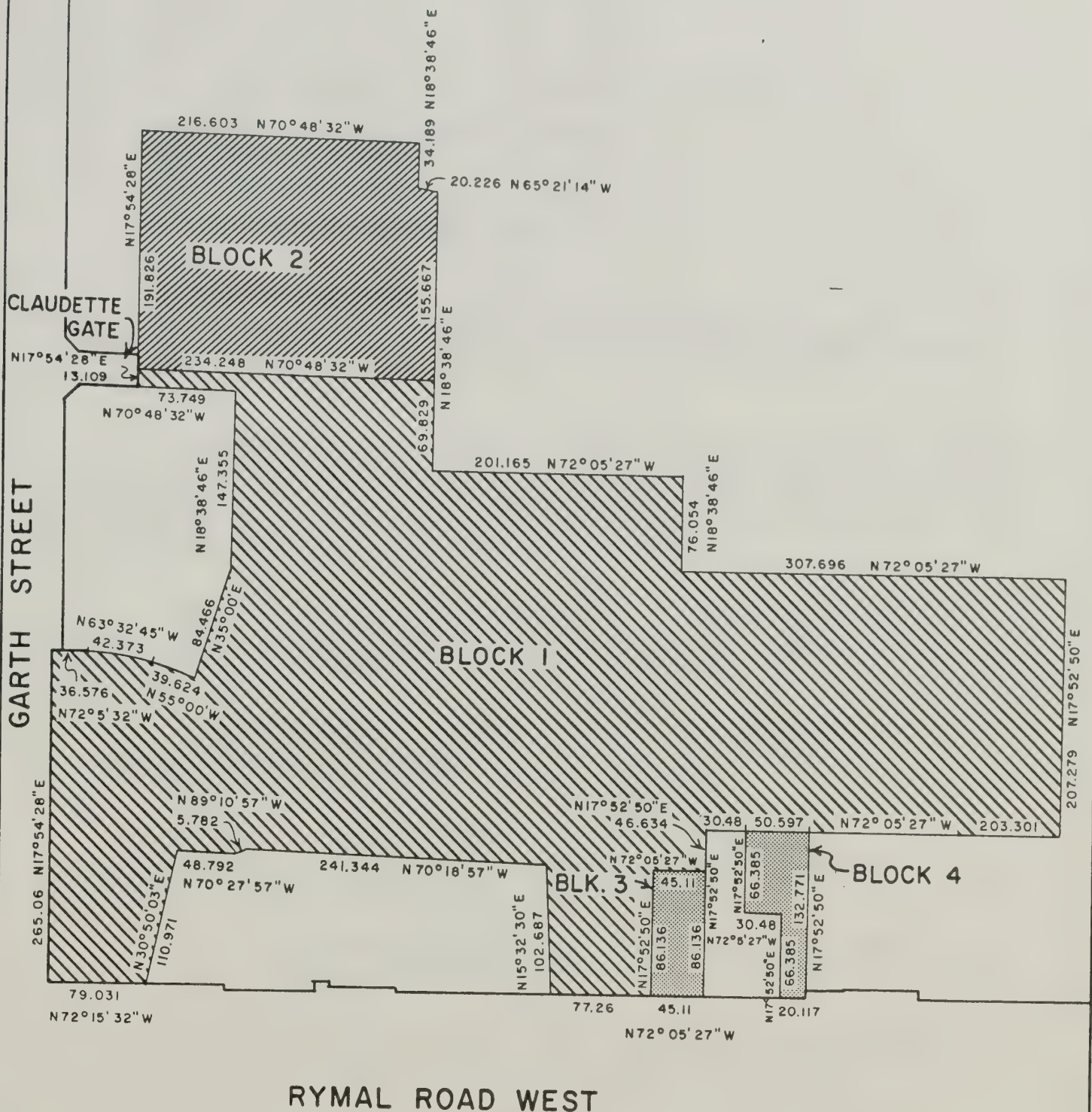
PASSED this 23rd day of February

A.D. 1993.


City Clerk


Mayor

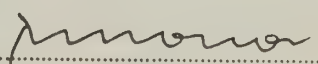




NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-...041
 Passed the 23rd day of February, 1993.


 Clerk


 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 93-...041

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

Changes in zoning from:

-  **BLOCK 1** 'AA' (Agricultural) District to 'DE' - 'H' (Low Density Multiple Dwellings - Holding) District, modified.
-  **BLOCK 2** 'AA' (Agricultural) District to 'RT-20' - 'H' (Townhouse - Maisonette - Holding) District.
-  **BLOCKS 3 & 4** 'AA' (Agricultural) District to 'B-2' - 'H' (Suburban Residential - Holding) District.

North



Scale
 NOT TO SCALE

Date
 FEBRUARY 1993

Reference File No.
 ZA 91 - 17

Drawn By
 Z.K..

The Corporation of the City of Hamilton

BY-LAW NO. 93- 042

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE SOUTH SIDE OF RYMAL ROAD EAST
AND WEST OF THE PROPOSED EXTENSION OF UPPER WELLINGTON STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9E of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, the land comprised in Block 1;
- (b) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the land comprised in Block 2;
- (c) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, the land comprised in Block 3;

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. The "B-2" (Suburban Residential) District provisions, as contained in Section 8B of Zoning By-law No. 6593, applicable to the lands referred to in section 1(a) are amended to the extent only of the special requirement that,

- (a) notwithstanding the provisions of Section 8B(4) of By-law No. 6593, not more than 29 lots shall have a width of not less than 15.0 m and an average lot area of 510.03 m² of which no lot shall have an area of less than 480.0 m².

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B-2" District provisions, subject to the special requirement referred to in section 2.

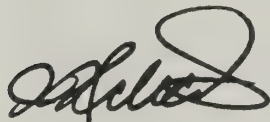
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1303.

5. Sheet No. E-9E of the District Maps is amended by marking the lands referred to in section 1(a) of this by-law, S-1303.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 23rd day of February

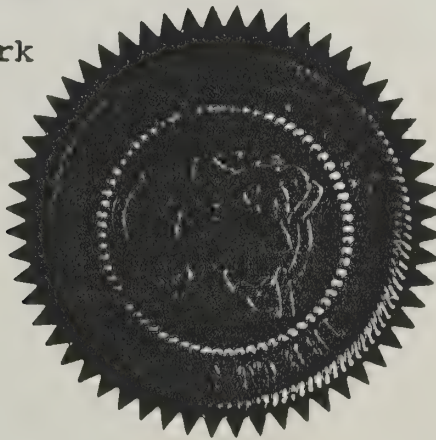
A.D. 1993.



City Clerk



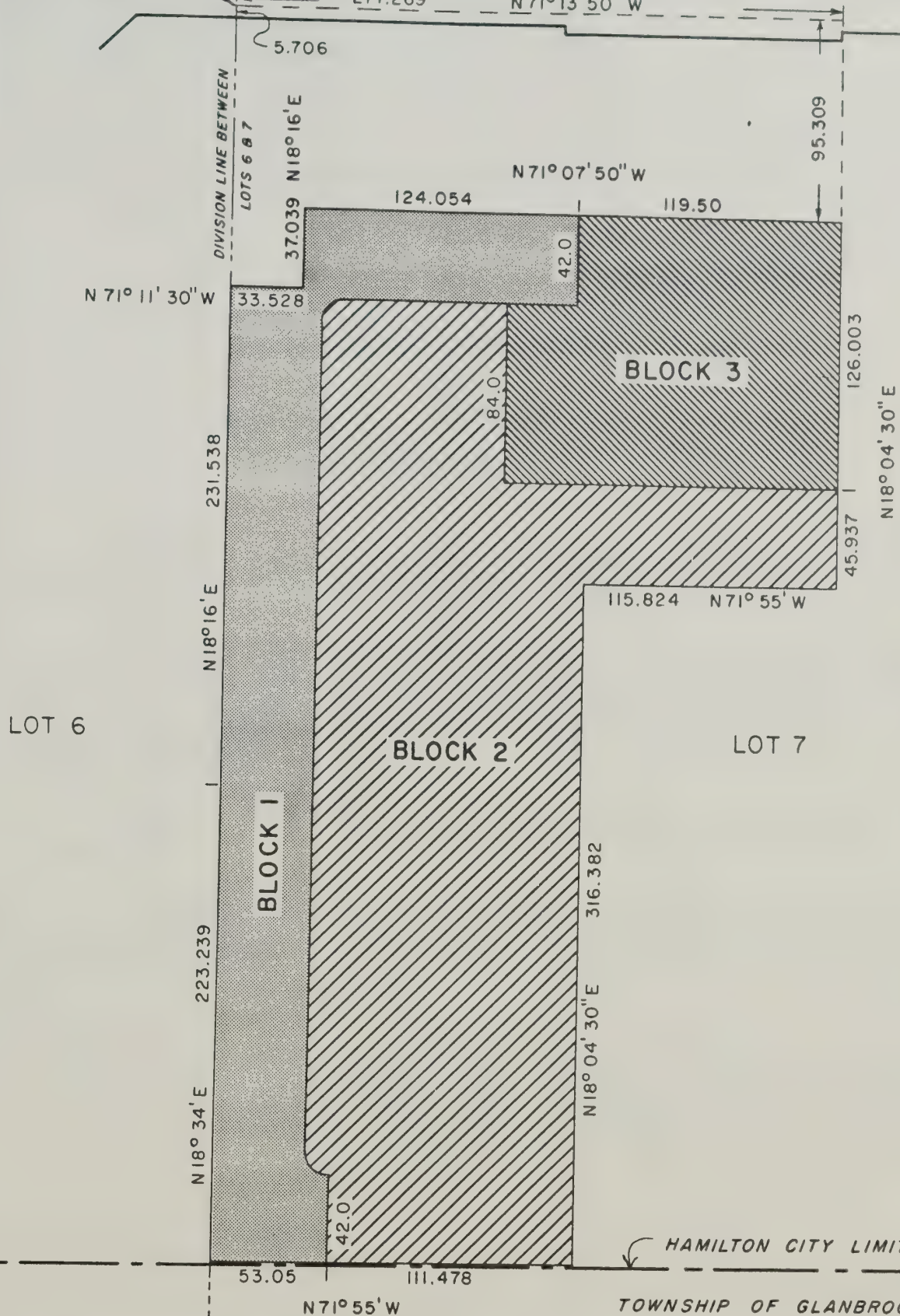
Mayor



(1993) 3 R.P.D.C. 10, February 9
200 Rymal Road Inc.,
(Anthony Di Silvestro), Owner
Amended ZA-92-23

N.W. CORNER OF
LOT 7 - CON. 1

RYMAL ROAD EAST



This is Schedule "A" to By-Law No. 93-042.
Passed the ...23rd day of February..., 1993.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93-042....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Changes in zoning from "AA" (Agricultural) District to:

- BLOCK 1 "B-2" (Suburban Residential) District, modified.
- BLOCK 2 "C" (Urban Protected Residential, etc.) District.
- BLOCK 3 "R-4" (Small Lot Single - Family Detached) District.

North



Scale
NOT TO SCALE

Date
FEBRUARY 1993

Reference File No.
ZA 92-23

Drawn By
Z.K..

The Corporation of the City of Hamilton

BY-LAW NO. 93- 043

To Amend:

Schedule 4 of Licensing By-law No.79-323

Respecting:

INTERIOR ADVERTISING IN TAXI-CABS

AND WHEREAS taxi-cabs are licensed, regulated and governed by Schedule 4 to Licensing By-law No. 79-323 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 3 of the 22nd Report of the Finance and Administration Committee, at its meeting held on the 10th day of November, 1992, directed that Schedule 4 of By-law No. 79-323 be further amended to allow additional interior advertising in taxi-cabs as hereinafter provided;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of section 12 of Schedule 4 of Licensing By-law No. 79-323 is amended by adding the following as sub-paragraph (1a), immediately after sub-paragraph (1):

"(1a) One interior display unit placed on the ceiling, not exceeding 41 centimetres high by 122 centimetres wide, and which does not obstruct access to the vehicle, the drivers view of traffic, or the visibility of the photo identity card, meter, licence and tariff card; and"

2. In all other respects By-law No. 79-323 as amended, is hereby confirmed without change.

PASSED this 23rd day of February A.D 1993.

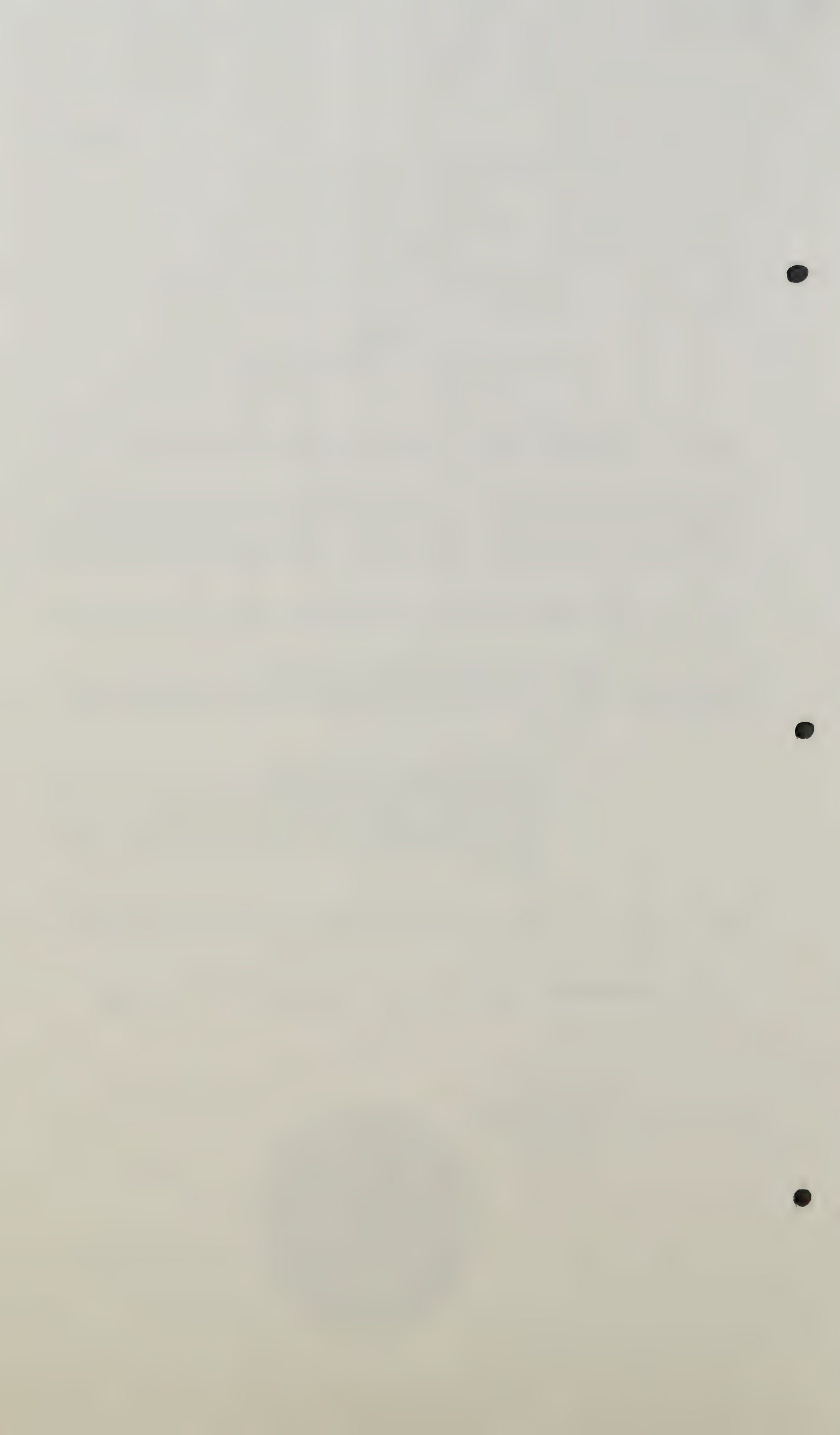


City Clerk



Mayor





BY-LAW NO. 93 - 044

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 23RD DAY OF FEBRUARY A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

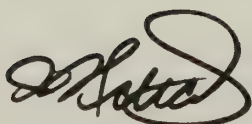
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 23rd

day of February

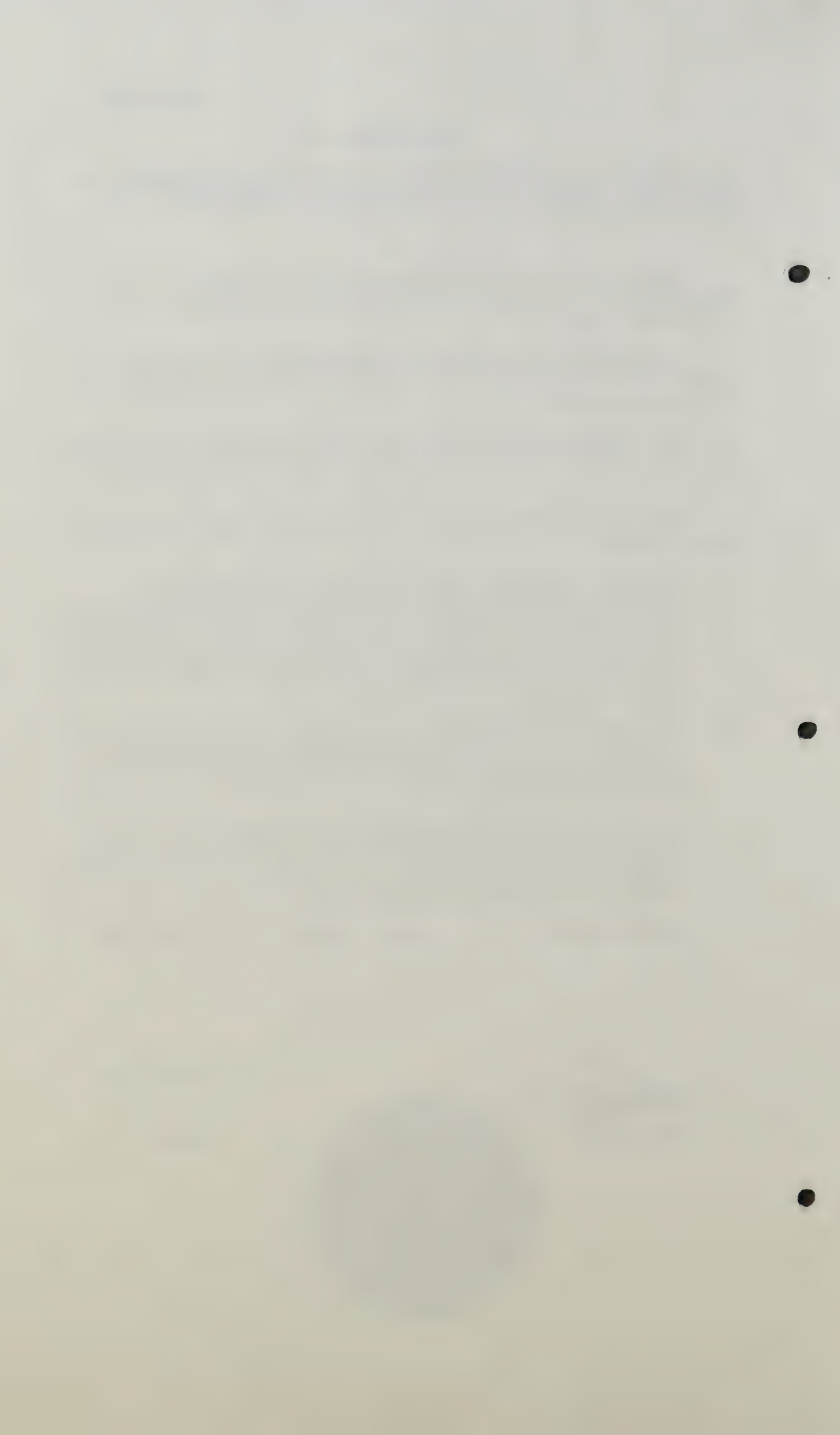
A.D. 1993



CITY CLERK



MAYOR



The Corporation of the City of Hamilton

BY-LAW NO. 93-045

A by-law for the licensing, regulating and governing of adult video stores, and for regulating video stores in which adult videos are provided.

WHEREAS the Corporation of the City of Hamilton has the power to pass by-laws for licensing, regulating, governing, classifying and inspecting Adult Entertainment Parlours, to define the areas in which Adult Entertainment Parlours of any class may operate, and to limit the number of licences available;

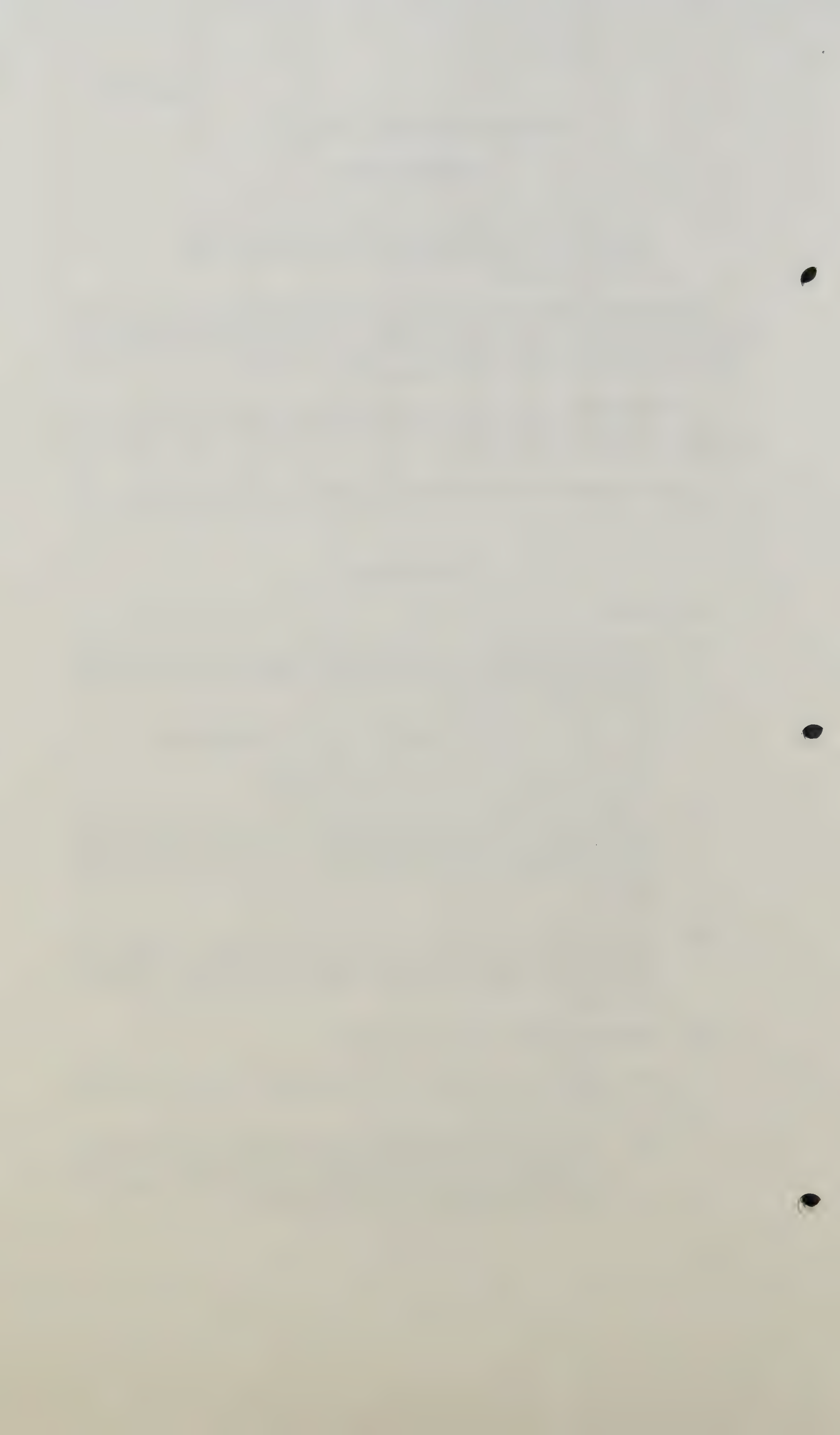
AND WHEREAS it is desirable to licence and regulate adult entertainment parlours which are stores providing adult videos to limit access by minors to adult videos, and provide for location of adult video stores;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

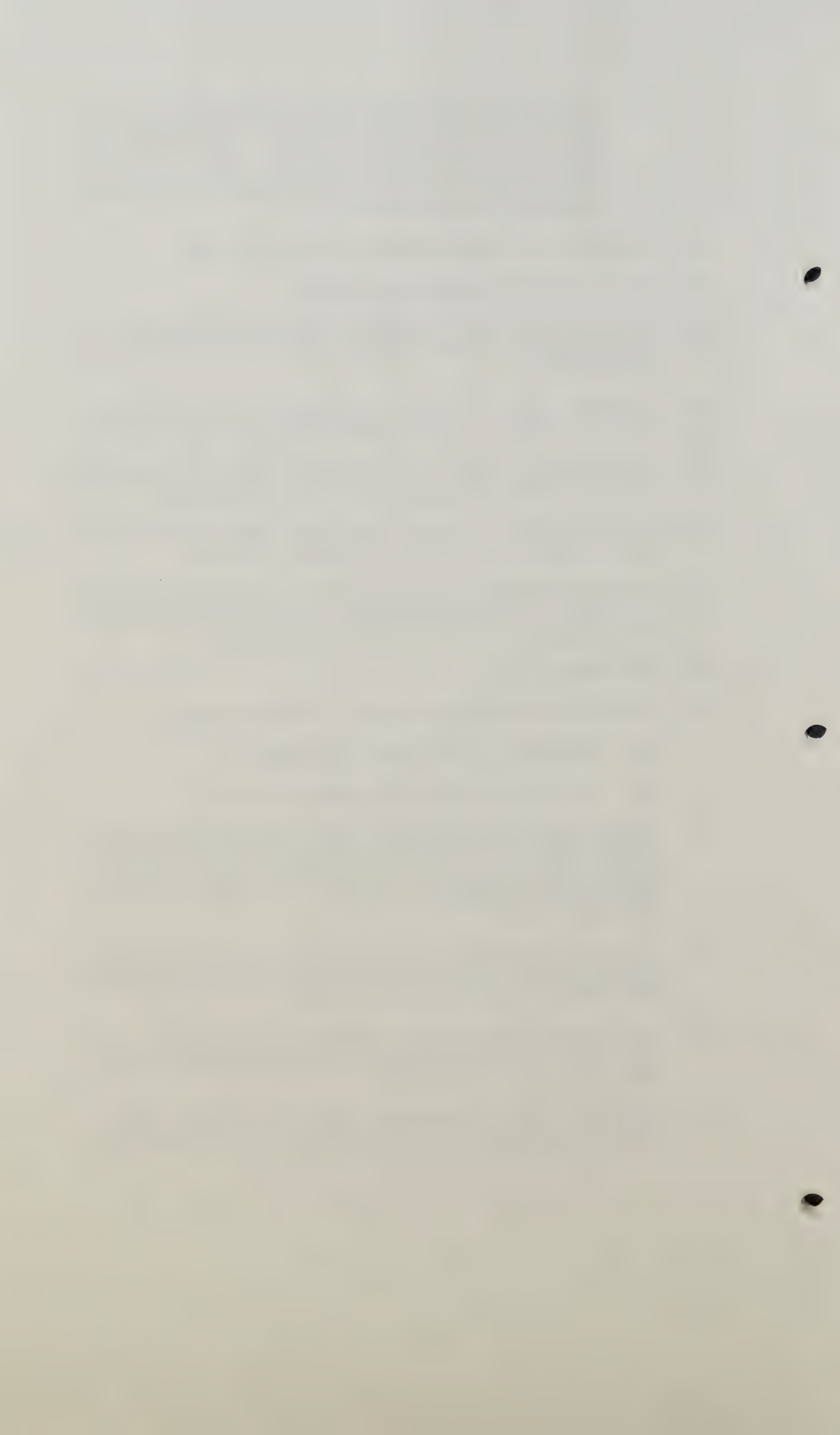
DEFINITIONS

1. In this by-law:

- (1) "adult video", subject to (2) means a video the content of which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:
 - (a) one or more of the specified body areas of any person, or
 - (b) one or more of the specified sexual activities;
- (2) In the absence of evidence to the contrary, a video classified by the Ontario Film Board as "restricted", with the added information piece "adult sex film" shall be deemed to be an adult video, while a video without such classification and information piece shall be deemed not to be an adult video;
- (3) "adult videotape area" means an identifiable part of any premises, which part is used for the provision of adult videos, or the display of adult videos or containers for videos depicting the specified sexual activities or specified body areas;
- (4) "adult video store" means any premises:
 - (a) used for the carrying on of the business of the provision of adult videos; or
 - (b) in which adult videos are provided in the pursuance of a business and to which premises entry by persons under the age of 18 years is prohibited, or in respect of which premises it is advertised or notice is given that such entry is prohibited; or



- (c) in which adult videos are provided in the pursuance of a business and in respect of which it is advertised, or notice is given either by signs or other advertising devices on or in the premises, or otherwise, that the premises are an "adult video store", an "adult videotape store", an "adult video rental store", or are otherwise described by words of like meaning;
- (5) "Corporation" means the Corporation of the City of Hamilton;
- (6) "Council" means the council of the Corporation;
- (7) "Licence Manager" means the manager of the Licensing Division or, in his or her absence, any person authorized to fulfil the responsibilities of the licence manager;
- (8) "Licensing Committee" means The Licensing Committee of the City of Hamilton established by Council to conduct hearings for licensing matters;
- (9) "Licensing Division" means the licensing division of the Clerk's Department of the Corporation, responsible for administration of this by-law;
- (10) "operator" includes a proprietor, or any other person who alone or with others, manages, supervises, runs or controls a video store;
- (11) "owner" means a person who alone or with others has a right to possess or occupy a video store or actually does possess or occupy a video store, and includes a lessee of premises used as a video store;
- (12) "sell" includes to rent;
- (13) "specified body areas" means any one or more of the following:
 - (a) in the case of a female person, her areolae; and
 - (b) in the case of all persons, the genitals and the anus;
- (14) "specified sexual activities" means any one or more of the following: actual or simulated sexual intercourse, masturbation, ejaculation, sodomy, bestiality, oral sexual intercourse, direct physical stimulation of unclothed genital organs, or flagellation or torture in the content of a sexual relationship or activity;
- (15) "to provide", when used in relation to any adult video, means to sell, by retail or otherwise, or to display or offer the sale, and "providing", "provided" and "provision" have corresponding meanings;
- (16) "video" includes cinematographic or motion picture film, videotape, video disc and any other medium from which may be produced visual images that may be viewed as moving pictures;
- (17) "video store" means any premises or part thereof in which videos are provided in the pursuance of a business, and includes an adult video store.



LICENCE REQUIREMENT

2. (1) Subject to section 3, every person being an owner or operator of a store, from which adult videos are provided, shall obtain and maintain in good standing a licence from the City under this by-law, authorizing the sale from the store of adult videos.
 - (2) No person shall carry on or engage in the business of providing adult videos from any store, unless a license has first been obtained for that store under subsection (1), and the licence fee paid in full.
 - (3) Where a person being the owner or operator of an adult video store, is licensed under this by-law, no employee of the store need obtain a separate licence.
3. A licence is not required for any video store in which the provision of adult videos is only incidental to the carrying on of the business of the provision of videos which are not adult videos, but the owner or operator of such store shall comply with the regulations otherwise made applicable under this by-law.

DEFINED AREAS AND LIMITATION ON NUMBERS OF LICENCES

4. (1) Schedule 1 to this By-law, which Schedule is annexed to and forms a part of this by-law, describes certain areas of the City, which are districts provided for and described in City of Hamilton Zoning By-law 6593 as amended, which areas shall be deemed to define an area for the purposes of this section and that Schedule.
- (2) In respect of areas defined in Schedule 1 to this By-law, no licence or licences may be granted except as permitted in that Schedule, or in a greater number than those specified in such Schedule.
- (3) No person shall operate an adult video store in the City except in an area provided in Schedule 1 and as permitted under this By-law.

ADMINISTRATION

5. The Licensing Division shall:
 - (a) receive and process all applications for licences and renewal of licences required under this By-law;
 - (b) administer the issuance of licences in accordance with the provisions of this By-law;
 - (c) maintain and keep records of all applications received and licences issued;
 - (d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

APPLICATIONS FOR LICENCES

6. (1) Every person applying for a licence under this By-law shall file with the Licensing Division a duly completed application form provided by the Licensing Division, in which the applicant shall provide all information sought in such application form.

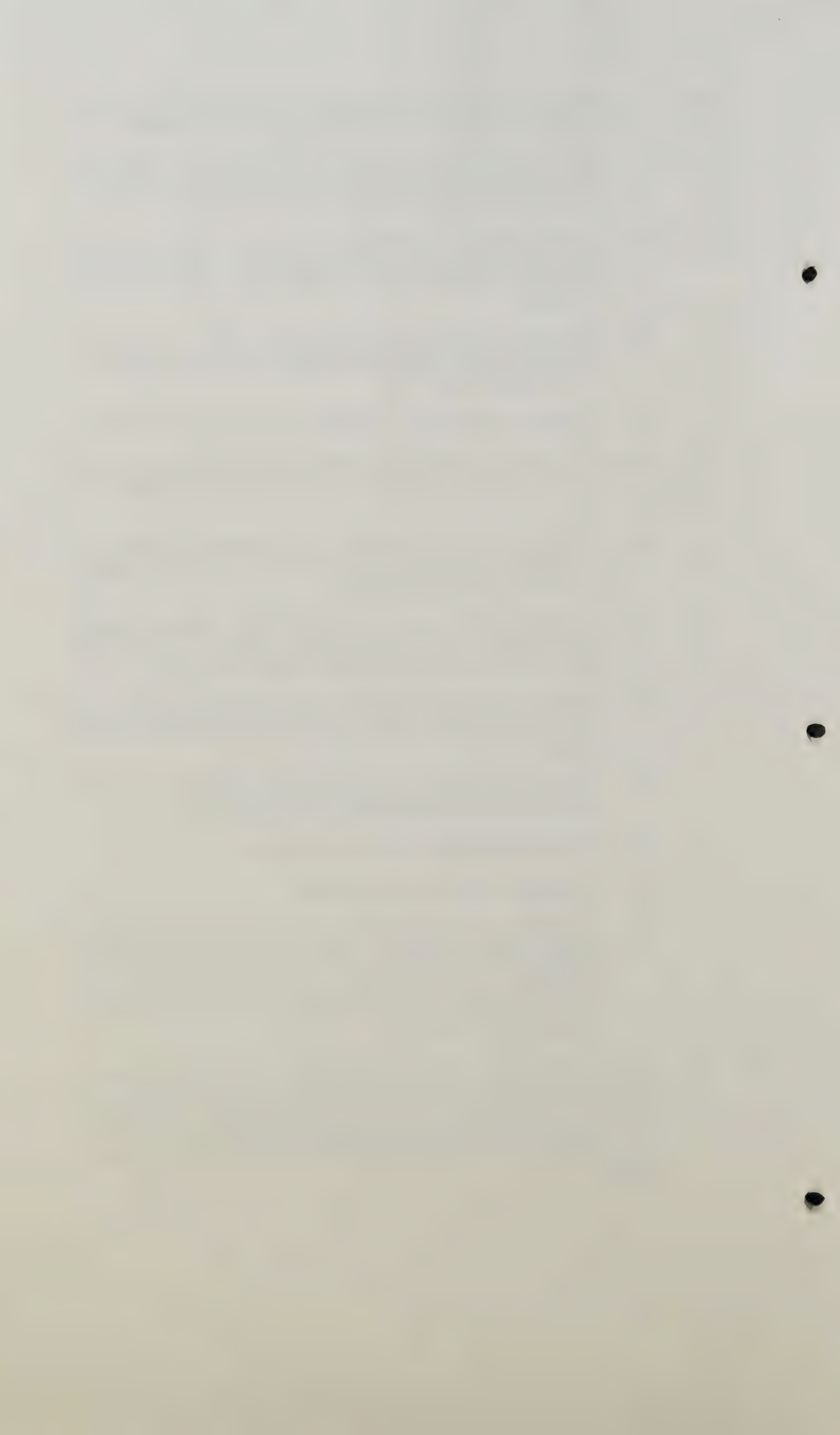
(2) The applicant shall, at the time of the filing of the application form required under subsection (1), deliver to the Licensing Division the following:

- (a) cash, money order or certified cheque in the amount of \$2,000.00, which sum is hereby fixed as the licence fee for every licence required under this By-law and for the renewal thereof;
- (b) if the applicant is a corporation, a copy of the incorporating document, a copy of the last information return filed for the corporation and any changes or corrections to the information contained;
- (c) if the applicant is a registered partnership, a copy of the registered declaration of partnership and any changes or corrections to the information contained; and
- (d) a copy of the registration of the trade name to be used for the store.

7. The applicant for a licence or renewal of a licence, subject to this by-law, shall provide at a minimum the following information as part of the application for a licence:

- (a) the name and residence address of the applicant, or in the case of a corporation, those of the officers and directors, and in the case of a partnership, those of all partners;
- (b) the address of the applicant and of the intended licensee, to which the Corporation or its Licensing Division may send or deliver any notice or other document required or authorized by law;
- (c) the municipal address of the one building, premises or place from which business will be carried on and in respect of which a licence is sought;
- (d) the name and address of the owner of any building, premises or place in which any such business is to be carried on;
- (e) any trade or business description to be used;
- (f) the telephone number of the business;
- (g) a record of all offenses for which the applicant has been convicted, other than offenses relating to motor vehicles, under any by-law, provincial statute or federal statute in respect of the applicant, if the applicant is an individual, any of the partners, if the applicant is a partnership, or any of the directors and officers of a corporation, if the applicant is a corporation.

8. (1) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.

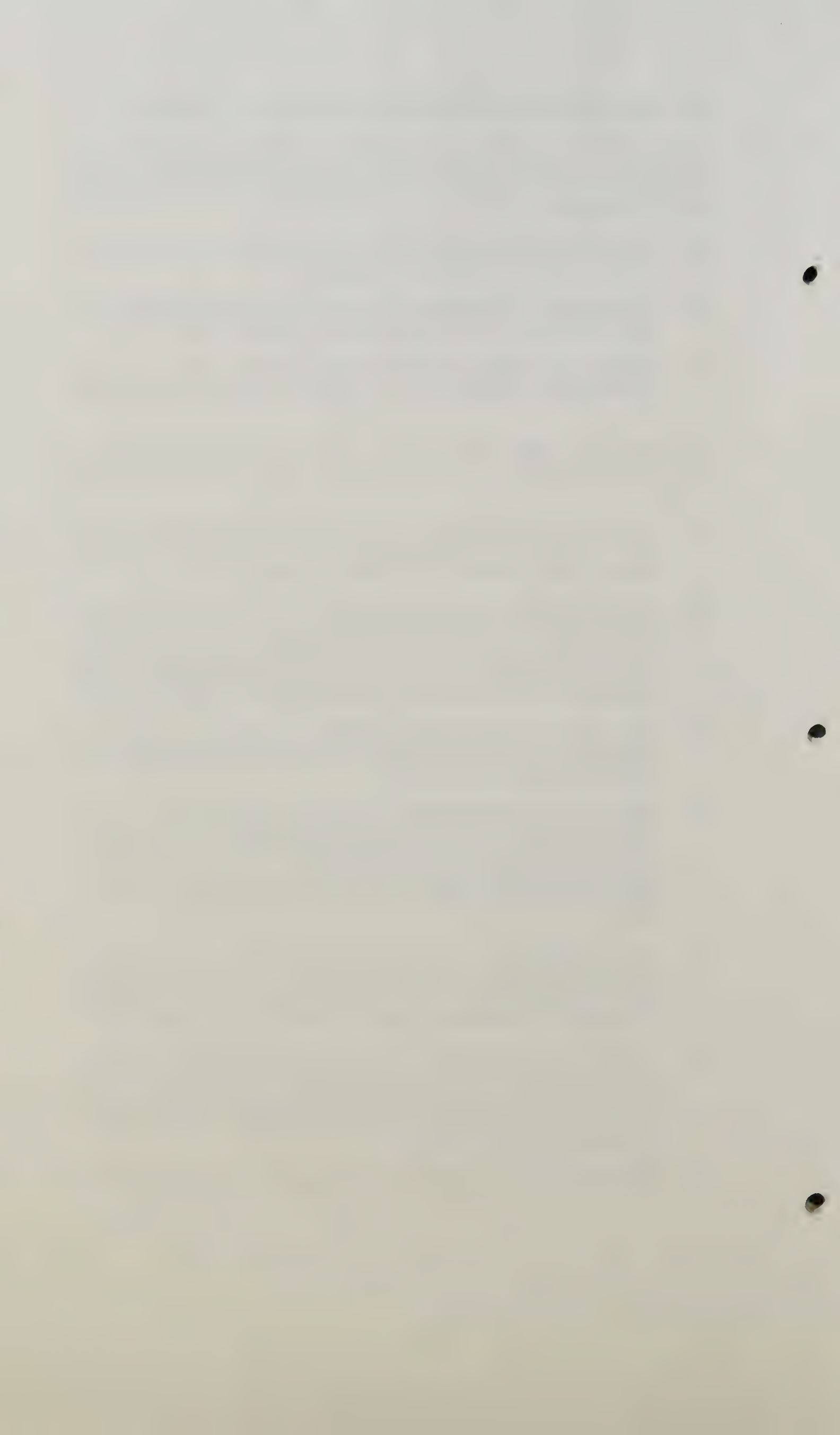


- (2) The provisions of this by-law relating to an application for a licence shall apply, with necessary modifications, to an application for the renewal of a licence or to amend a licence, except that where the applicant, in writing and prior to expiry of the licence being renewed, notifies the Licensing Division that the information on file with the Licensing Division has not changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

9. (1) Upon the receipt of an application form by the Licensing Division, the Licence Manager shall carry out such investigation or verification relating to the application as he or she may deem necessary for the purposes of the administration of this By-law and shall submit the material to the Licensing Committee with a recommendation to issue the licence, unless the investigation or any other information available to the Licence Manager discloses :
- (a) a reasonable ground to believe that the application is not in compliance with the By-law, or
- (b) that the applicant may not be entitled to the issuance of a licence on the grounds referred to in this By-law or by reason of any other provision of this By-law or other applicable law.
- (2) If the investigation or any other information available to the Licence Manager discloses reasonable grounds to believe that the applicant may not be entitled to the issuance of a licence on grounds referred to in this By-law, or by reason of any other provision of this By-law or other applicable law, the Licence Manager shall cause notice of this fact and the reasons therefor to be served upon the applicant at the address for notices shown on the application form, and may refer the matter to the Licensing Committee for the holding of a hearing under this By-law.
- (3) The Licence Manager shall, in any notice served under subsection (2), include in such notice a statement that the applicant may require a hearing of the application by the Licensing Committee by the applicant serving a notice in writing to that effect upon the Licence Manager within 15 days of the date of the notice, and a statement that if no such notice is served by the applicant the application may not be granted and the applicant will not be entitled to any further notice in the proceedings.
- (4) Where the Licence Manager receives notice from an applicant requiring a hearing in accordance with this section, the Licence Manager shall forthwith refer the application to the Licensing Committee for a hearing.
- (5) Where the Licence Manager does not receive notice from an applicant requiring a hearing in accordance with this section, the Licence Manager need not process the application further, and no further notice is required to be served upon the applicant.
- (6) Where an application has been referred to the Licensing Committee for a hearing under this section, and the applicant does not attend before the Licensing Committee at the time and place of which notice has been served upon such applicant in accordance with this By-law, the Licensing Committee may hold a hearing in the absence of the applicant without further notice to the applicant.

APPROVAL, DENIAL, REVOCATION AND SUSPENSION OF LICENCES

10. Where the Licence Manager has referred an application to the Licensing Committee for a hearing pursuant to section 9 of this By-law, the Licensing Committee may, after a hearing, or after an opportunity for a hearing has been given to the applicant:
 - (a) grant the application in whole or in part and direct that the licence be issued, subject to compliance with this By-law;
 - (b) recommend that Council refuse in whole or in part to grant the application upon grounds contained in this By-law or otherwise by law;
 - (c) adjourn the application in accordance with this By-law, or make such other disposition as may be permitted under this By-law and is in accordance with law.
11. An applicant for a licence who complies with the provisions of this By-law is, subject to the provisions of this By-law, entitled to be issued a licence except where:
 - (a) there are reasonable grounds for belief that any application form or other document provided to the Licensing Division by or on behalf of the applicant contains a false statement or provides false information; or
 - (b) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director or officer of a corporation, if the applicant is a corporation, affords reasonable grounds for belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or
 - (c) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable zoning requirement; or
 - (d) there are reasonable grounds for belief that the application does not meet all the requirements of this By-law, or that the business is carried on or intended to be carried on in an area of the City where such business is prohibited by this By-law from being carried on, or in respect of which the issuing of a licence in respect of the business is not permitted by this By-law; or
 - (e) there are reasonable grounds for belief that the building, premises or place in which the business is carried on or intended to be carried on does not comply with the provisions of this By-law, or with any other law, including any applicable building requirements, or is dangerous or unsafe; or
 - (f) the conduct of the applicant or of one or more of the persons referred to in paragraph (b) of this subsection affords reasonable grounds for belief that the carrying on of the business in respect of which the licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or
 - (g) the fee payable in respect of the licence applied for has not been paid.



12. (1) The Licence Manager may, where he or she has reasonable grounds to believe that any one or more grounds exist upon which a licence could be revoked or suspended, the Licence Manager shall cause notice of this fact and the reasons therefor, with notice to the licensee of a right to a hearing, to be served upon the licensee at the address for notices shown on the application form, and may refer the matter to the Licensing Committee for the holding of a hearing in accordance with this By-law and other applicable law.
- (2) Where a matter has been referred to the Licensing Committee for a hearing under this section, and the applicant does not attend before the Licensing Committee at the time and place of which notice has been served upon such applicant in accordance with this By-law, the Licensing Committee may hold a hearing in the absence of the applicant without further notice to the applicant.
13. (1) Upon the conclusion of a hearing conducted by a Licensing Committee under this By-law, where a recommendation has been made to deny or revoke a licence, or suspend a licence with or without conditions, the Licensing Committee shall as soon as practicable make a written report to the Council, summarizing the evidence and arguments presented by the parties, the findings of fact made and the recommendations, if any, with reasons therefor on the merits of the application or matter in respect of which the hearing has been conducted.
- (2) After considering the report of the Licensing Committee provided under (1), Council may make any decision permitted under this By-law that it or the Licensing Committee might have made in respect of the hearing, without holding a further hearing or providing an opportunity for a further hearing to the applicant or licensee.
- (3) Council may suspend a licence with or without conditions, or deny or revoke a licence upon any of the grounds set out in section 11, or upon the grounds of non-compliance by a licensee with this By-law or other applicable law, provided that no licence shall be revoked or suspended except after a hearing by the Licensing Committee appointed by by-law for the holding of one or more hearings, or after an opportunity for such a hearing has been afforded to the applicant or licensee in accordance with law.

TERMS OF LICENCES

14. Every licence issued under this By-law shall expire on December 31 of the year for which it is issued, unless sooner revoked or suspended.
15. A licence certificate issued under this By-law, and any form or document provided to a licensee or applicant for the insertion of information, is and shall remain the property of the Corporation, and shall be delivered forthwith to the Licensing Division upon the written or oral request of the Licence Manager.
16. A licence issued under this By-law:
 - (a) is personal to the licensee to which it was issued and may not be transferred by the licensee;

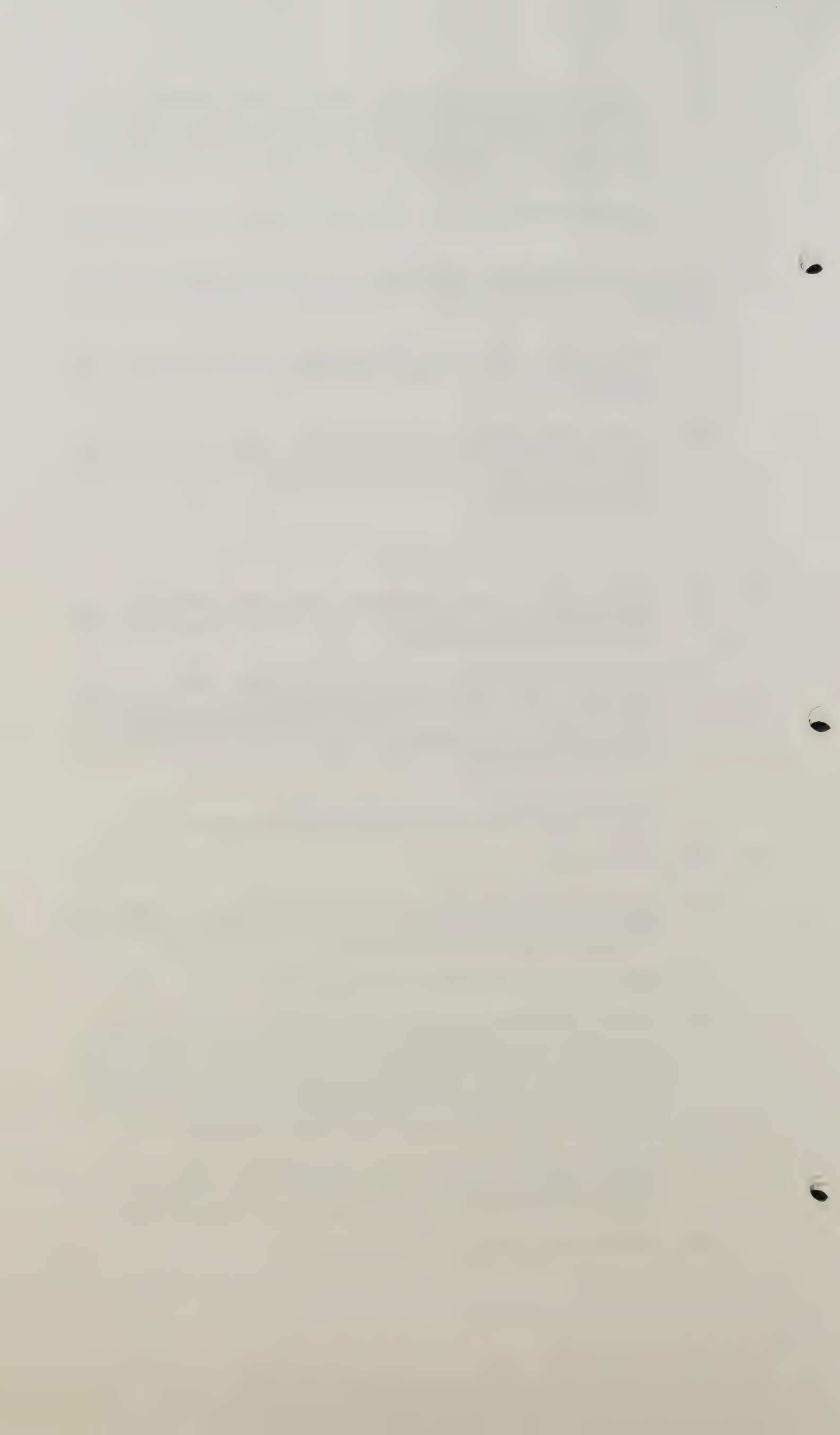
- (b) is only authorization for the use of premises for which it was issued and as identified on the certificate, and may not be transferred by the licensee to a location different than the location for which it was issued, without the written approval of Council or the Licensing Committee that the transfer is in compliance with this by-law; and,
 - (c) is subject to the provisions of this by-law as may be enacted from time to time.
17. Where a licence has been revoked, the licensee is entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.
18. (1) Every licensee shall notify the Licensing Division in writing within four days after the event, of any change in any of the information contained in the application form.
- (2) Where a change has occurred in the name or business name of a licensee the licensee shall attend within four days of the date of the change at the office of the Licensing Division, to have the licence and licence records amended accordingly.

NOTICE

19. (1) A notice given pursuant to this by-law shall be served personally, or by registered mail sent to the person at the last address appearing in the records of the Licensing Division.
- (2) Service by registered mail shall be deemed to be made on the third day on the date of mailing, unless the person on whom service is being made established that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

REGULATIONS APPLICABLE TO ADULT VIDEO STORES

20. Every licensee shall:
- (a) prominently display the licence at the premises licensed at all times and shall produce the licence upon request by the Licence Manager, any by-law enforcement officer and any police officer;
 - (b) keep the premises in a clean and sanitary condition;
 - (c) maintain on the premises, during all business hours, a current list of all adult videos available on the premises, including the rating applied to the film by the Ontario Film Review Board and whether the film has been approved by the Board with the requirement to have affixed the designation of "Adult Sex Film", and make the list available for inspection by the Licence Manager, any municipal by-law enforcement officer or any police officer;
 - (d) advertise, promote and carry on such business only under the name in which the licence is issued, or such other business or trade name as provided to the Licensing Division in writing and added to such licence;
 - (e) not permit viewing of adult videos on the premises.



- 21. (1) No owner or operator of an adult video store shall permit any person under the age of eighteen years to enter or remain in such store.
- (2) No owner or operator of an adult video store shall permit any employee to work in that part of any video store in which adult videos are provided, unless such employee is of the age of eighteen years or older.
- 22. (1) Every owner or operator of an adult video store shall post and keep posted at every entrance to the adult video store, and in a prominent location inside such store, signs sufficient to indicate clearly to any person approaching or entering the store, and to every person in the store, that no person under the age of eighteen years is permitted to enter or remain in such store or any part thereof.
- (2) No owner or operator of an adult video store shall use exterior signs or advertisements for the store which use a pictorial representation of a specified body areas or a specified sexual activity.

REGULATIONS APPLICABLE TO ALL VIDEO STORES

- 23. In this part, an adult video shall include the container of an adult video which appeals to or is designed to appeal to erotic or sexual appetites or inclinations through the portrayal or depiction of:
 - (a) one or more of the specified body areas of any person, or
 - (b) one or more of the specified sexual activities;
- 24. No owner or operator shall permit any person under the age of eighteen years to enter or remain in any part of the video store where adult videos are provided.
- 25. (1) An owner or operator of a video store providing adult videos shall designate an area of the video store as an adult videotape area, being an identifiable portion of the premises or the whole premises in which adult videos are provided or displayed.
- (2) An owner or operator of a video store providing adult videos shall comply with the following regulations in respect of the adult videotape area designated under (1):
 - (a) Subject to (d), signs shall be posted at every approach and entrance to the designated area, indicating that no person under the age of 18 years old is permitted to enter or remain in the designated area;
 - (b) Adult videos shall be displayed only in the designated area;
 - (c) Adult videos which reveal a specified body area or a specified sexual activity, shall be displayed so that they may not be viewed by any member of the public outside the designated area;
 - (d) Where the whole store is designated as the area for the provision of adult video tapes, signs shall be posted at each public entrance to the store;
 - (e) Not permit viewing of adult video tapes on the premises.

- (3) An owner or operator of a video store providing adult videos shall be responsible for informing any employees of the video store of the boundaries of the area designated under (1) and the requirement that persons under the age of 18 years old not be allowed to enter or remain in the area designated.
- (4) No owner or operator of a video store providing adult videos shall permit a person under the age of eighteen years to enter or remain in the adult videotape area designated by the owner or operator under this section.

PENALTY

- 26. (1) Subject to (2), every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00, exclusive of costs, or to imprisonment for a term not exceeding one year or to both.
- (2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty imposed on the corporation is \$50,000.00, exclusive of costs, and not as provided therein.

SEVERABILITY AND SAVING

- 27. Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

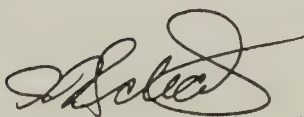
SHORT TITLE

- 28. This by-law may be referred to as the "Adult Video By-law", and licences issued under this by-law may be referred to as "Adult Video Store Licences".

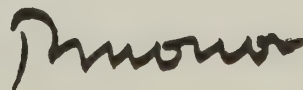
EFFECTIVE DATE

- 29. (1) Except for sections 23 to 25, this by-law comes into force and effect on the date of enactment.
- (2) Sections 23 to 25 of this by-law come into force and effect on the sixtieth day after the date of enactment of this by-law.

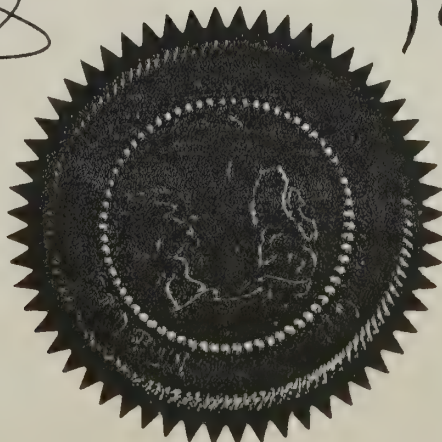
PASSED this 23rd. day of February A.D. 1993.

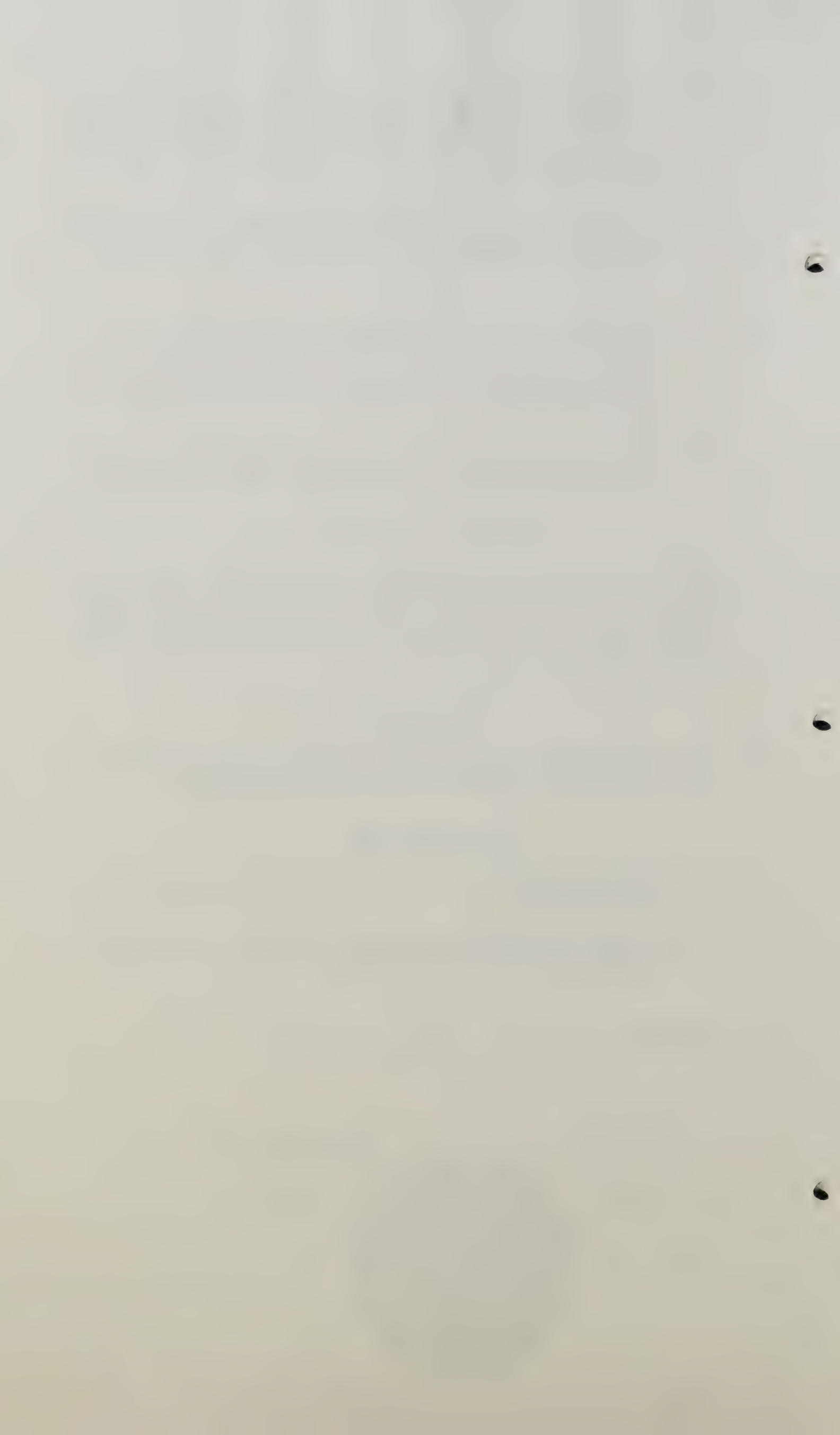


City Clerk



Mayor





SCHEDULE 1 TO BY-LAW NO. 93-045

1. (1) Subject to this by-law, that part of premises at each of the following municipal addresses in actual use as an adult video store as of February 23, 1993, is hereby defined as an area in which one adult video store is permitted to operate and eligible to be licensed for so long as such part of such premises continues to be lawfully used for such purposes, if the store is in compliance with all other applicable law :
 - (a) 212 John Street South, Hamilton,
 - (b) 116 Emerson Street, Hamilton,
 - (c) 8 Fennell Avenue West, Hamilton,
 - (d) 478 King Street East, Hamilton,
 - (e) 128 Parkdale Avenue North, Hamilton,
 - (f) 7 Greenford Drive, Hamilton.
- (2) The areas provided in subsection (1), shall be deemed to include that part of the premises in respect of which application was made, prior to February 24, 1993, for a building permit for alterations to enable the expansion of the existing Adult Video Store, provided that the building permit is granted.
2. In addition to the areas defined in section 1 of this Schedule and subject to this by-law, an Adult Video Store may be operated in a "J" District, "K" District, or "M-11" District as provided and described in City of Hamilton Zoning By-law 6593 as amended, provided however, that the Adult Video Store shall be located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in a residential district, as also provided and described in Zoning By-law 6593 as amended, and further subject to compliance with all applicable law including the enactment by the Council of all amendments to its zoning by-laws.
3. (1) Subject to (2), the total number of Adult Video Store licences to be granted under this by-law is 6.
- (2) The total number of Adult Video Store licences to be granted under this by-law shall be reduced from 6, as the licences expire without renewal by the licence holder or as the licences are otherwise surrendered or lawfully revoked, until the number of licences is reduced to 2.



BY-LAW NO. 93 - 046

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 26TH DAY OF
FEBRUARY A.D., 1993.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

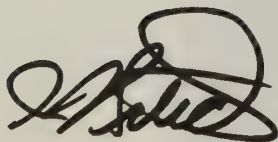
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

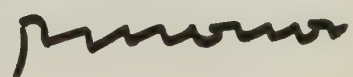
PASSED this 26th

day of February

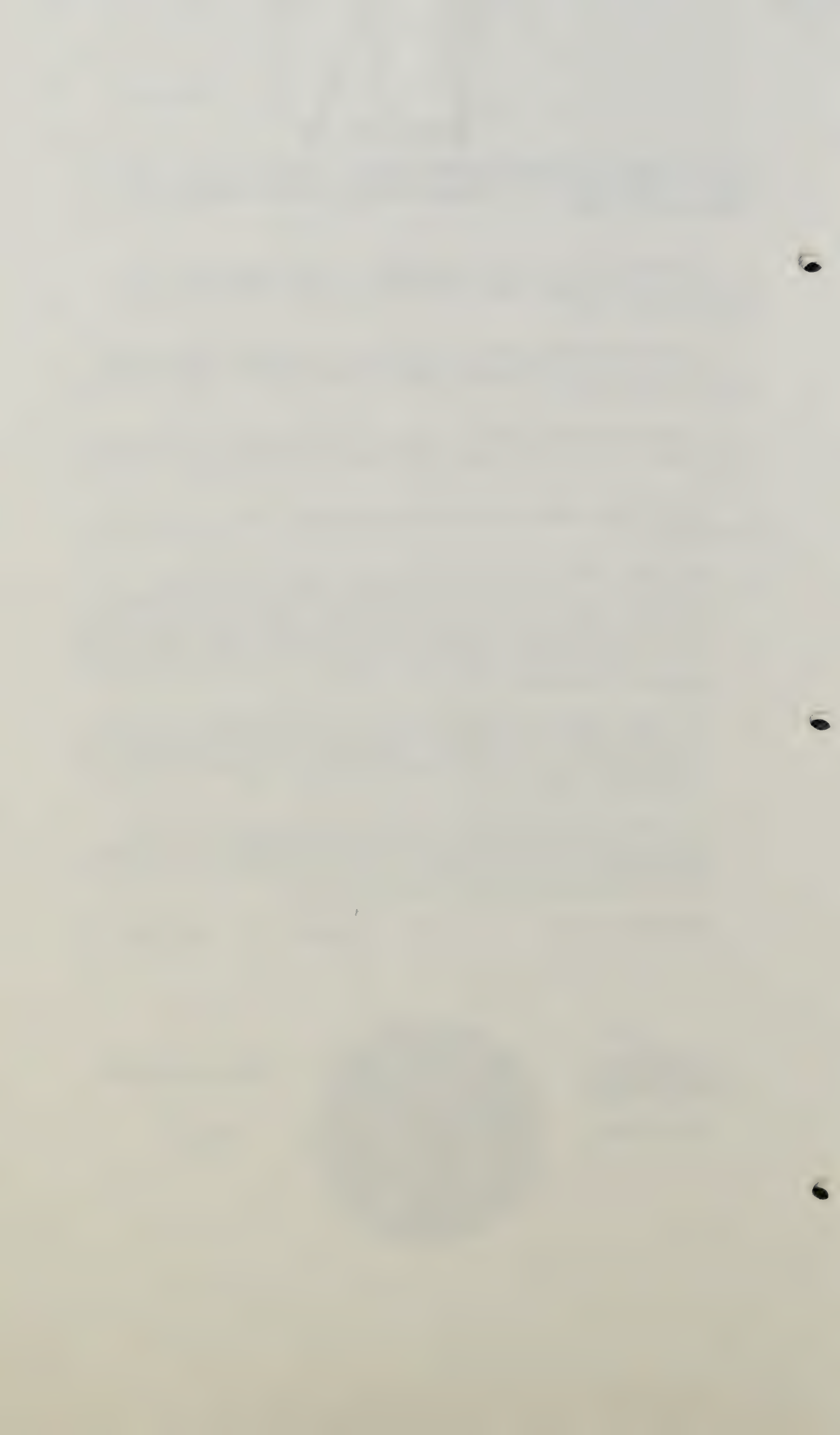
A.D. 1993



CITY CLERK



MAYOR



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-047

TO INCORPORATE PART 2, 62R-11994
INTO HARBOTTLE COURT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Harbottle Court by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

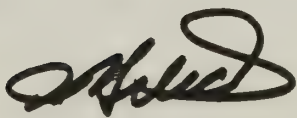
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Harbottle Court.

Part of Lot 25, Registered Plan 947, designated as Part 2, Plan 62R-11994.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this 9th day of March A.D. 1993.



City Clerk



Mayor



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93- 048

TO INCORPORATE PARTS 2 & 4, 62R-9048
INTO MACNAB STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as MacNab Street by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

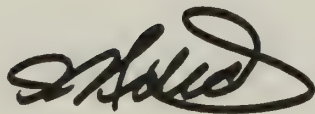
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of MacNab Street.

Part of Lots 50 and 69 on P.H. Hamilton Survey - Unregistered Plan designated as Part 2, Plan 62R-9048 and Part of Lot 50 on P.H. Hamilton Survey - Unregistered Plan designated as Part 4, Plan 62R-9048, on the block bounded by Charles Street (Now Closed), Main Street, MacNab Street and Jackson Street in City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

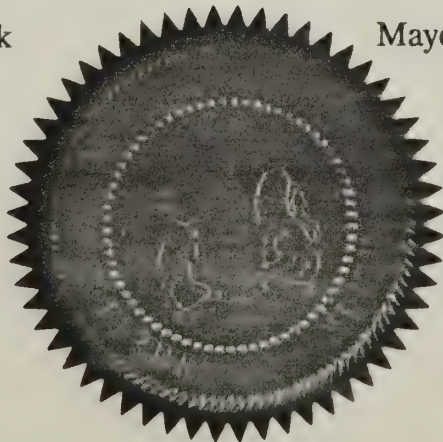
PASSED this *9th* day of *March* A.D. 1993.

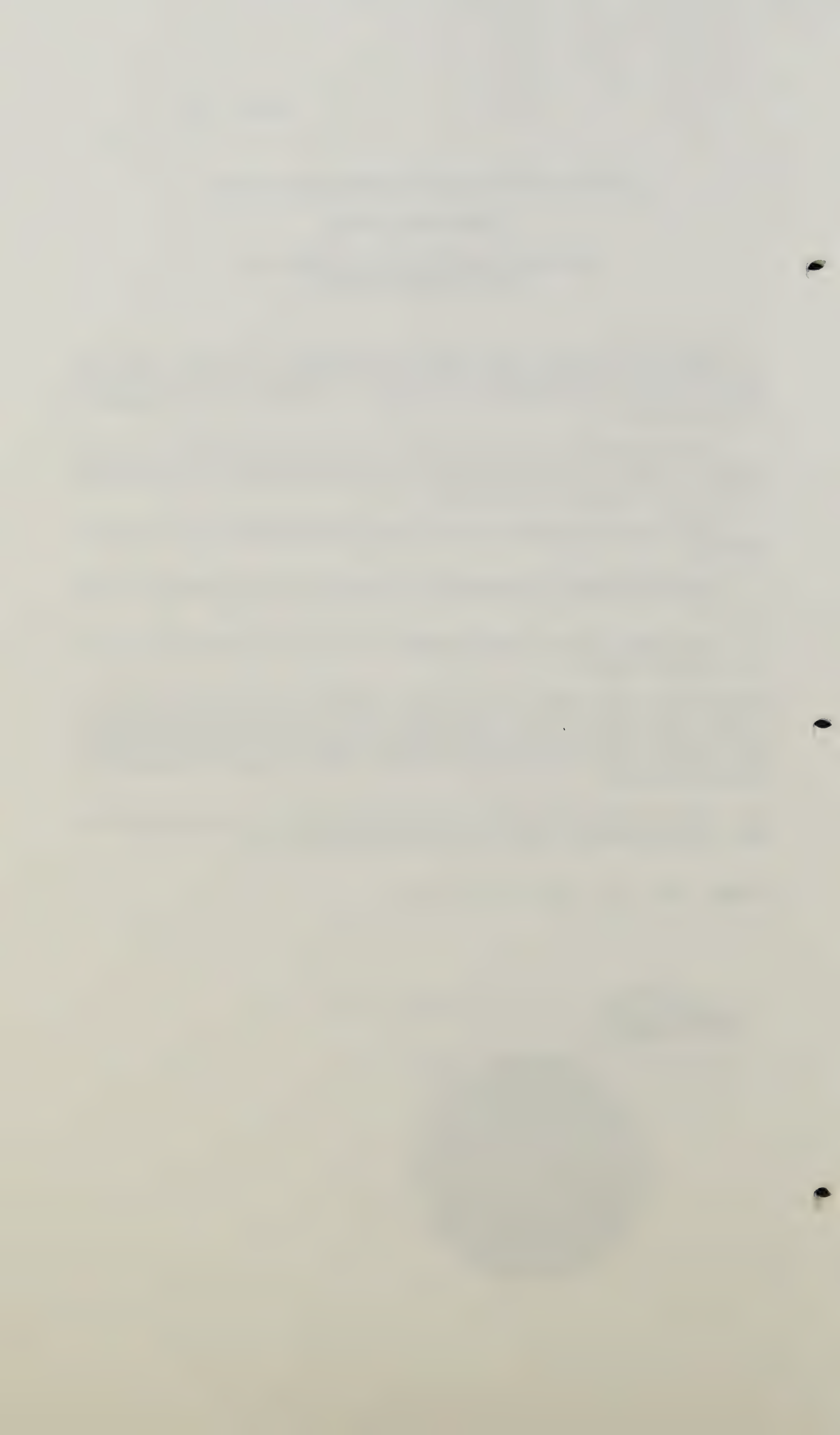


City Clerk



Mayor





THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93-049

TO INCORPORATE PARTS 1 & 3, 62R-9048
INTO JACKSON STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Jackson Street by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

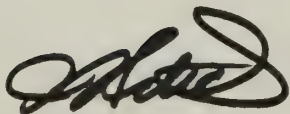
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Jackson Street.

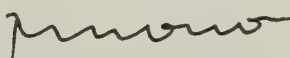
Part of Lots 68 and 69 on P.H. Hamilton Survey - Unregistered Plan designated as Part 1, Plan 62R-9048 and Part of Lot 69 on P.H. Hamilton Survey - Unregistered Plan designated as Part 3, Plan 62R-9048 in the block bounded by Charles Street (Now Closed), Main Street, MacNab Street and Jackson Street in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this 9th day of March A.D. 1993.

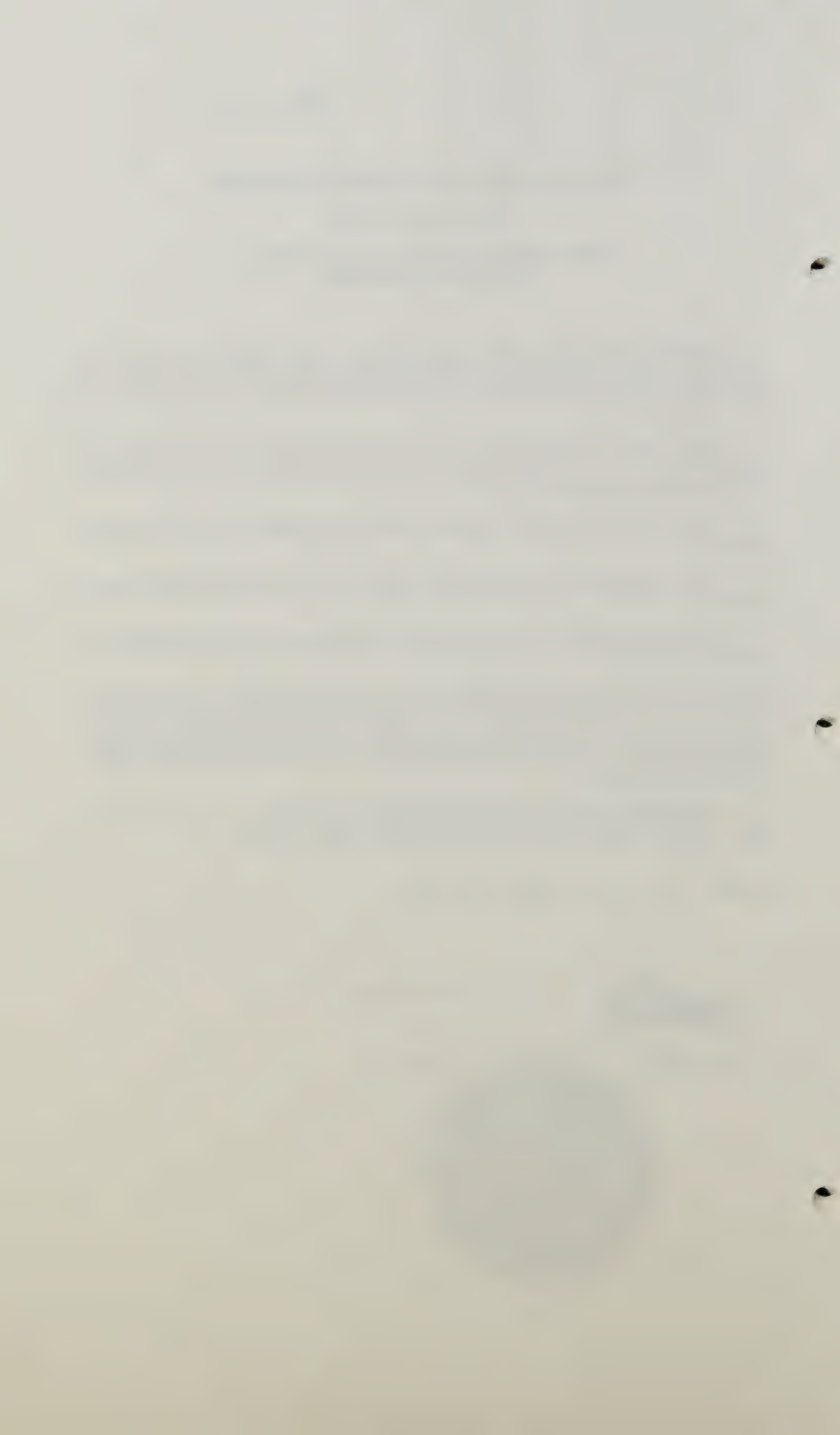


City Clerk



Mayor





BY-LAW NO. 93 - 050

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Harbottle	Eastbound	Chesley
Adorn	Northbound	Village
Village	Eastbound	Fairington".

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Tia	West	Nugent to 71 feet south	Anytime
Britannia	North	Glassco to 60 feet west	Anytime
Britannia	North	Glassco to 60 feet east	Anytime
Britannia	North	Adair to 60 feet west	Anytime
Britannia	North	Adair to 60 feet east	Anytime
Lottridge	West	Case to 50 feet south	Anytime
Eastwood	East	Melvin to 115 feet south	Anytime
Brant	South	commencing at a point 232 feet east of Birch and extending to a point 60 feet easterly therefrom	Anytime
James	East	Strachan to 70 feet north	Anytime
James	West	Strachan to 69 feet north	Anytime".

3. **Schedule 31 (School Bus Loading Zones)** is hereby amended by adding thereto the following items, namely:-

"Ravenbury	North	40 feet	64 feet west of the west curb line of Rama	7:00 a.m.-6:00 p.m. Monday to Saturday
Belmont	West	47 feet	163 feet north of Cannon	7:00 a.m.-6:00 p.m. Monday to Saturday".

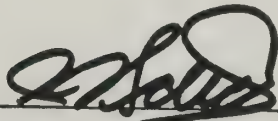
4. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following items, namely:-

"Royal	South	24 feet	66 feet east of Emerson	8:00 a.m.-6:00 p.m. Monday to Friday
Grosvenor	West	21 feet	124 feet north of Cannon	7:00 a.m.-5:00 p.m. Monday to Friday
Smith	West	24 feet	435 feet south of Barton	8:30 a.m.-10:00 p.m.". .

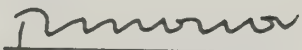
and by deleting therefrom the following item, namely:-

"Province	East	18 feet	101 feet north of Cannon	' 7:00 a.m.-5:00 p.m.
				Monday to Friday".

PASSED THIS *9th* DAY OF *March* , A.D. 1993.



CITY CLERK



MAYOR

BY-LAW NO. 93 - 051

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 26 (No Parking Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding to **Section A (No Parking Anytime)** the following items, namely:-

"Berkindale	South	Bow Valley to Rivercrest
Amherst	Both	End to End
Landron	South	Upper Kenilworth to Locheed
Ferguson	West	Cannon to Wilson
Biggar	North	Lottridge to 179 feet west
Biggar	North	from a point 199 feet west
		of Lottridge to a point 94 feet
		westerly therefrom".

and by deleting therefrom the following items, namely:-

"Ferguson	West	King to Cannon
Berkindale	North	Bow Valley to 252 ft. easterly
Biggar	North	Lottridge to 293 feet west".

2. **Schedule 26A (No Parking Areas)** is hereby amended by adding to **Section F (No Parking 8:00 a.m. - 4:00 p.m., Monday to Friday)** the following item, namely:-

"Princeton	East	Margate to Sherwood".
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and by deleting from **Section P (No Parking 6:00 a.m. - 6:00 p.m., Monday to Friday)** the following item, namely:-

"Brant	South	commencing at a point 155 feet
		east of Birch to a point 137 feet
		easterly therefrom".

3. **Schedule 24 (Parking Meter Locations)** is hereby amended:

a) by deleting from **Section 3(b) (One Hour Limit)** the following item, namely:

"Ferguson	East	King to King William".
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b) by adding to **Section 1(a) (Three Hour Limit)** the following items, namely:-

"Ferguson	Both	King to Wilson
Robinson	Both	Park to MacNab
Herkimer	Both	James to Park".

c) by deleting from **Section 2(b) (Two Hour Limit)** the following item, namely:-

"Ferguson	East	King William to Wilson".
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4. **Schedule 25 (Parking Time Limits)** is hereby amended by deleting from **Section 7 (Three Hour Limit)** the following item, namely:-

"Robinson	Both	MacNab to Bay".
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and by adding thereto the following item, namely:-

"Robinson	Both	Park to Bay".
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5. **Schedule 25A (Parking Time Limits)** is hereby amended by adding to **Section 5 (One Hour Limit)** the following item, namely:-

"Ferrie	North	John to Catherine".
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and by adding to **Section 26 (One Hour Limit)** the following item, namely:-

"Park	East	Barton to Murray".
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6. **Schedule 25B (Parking Time Limits)** is hereby amended by deleting from **Section 4 (One Hour Limit)** the following item, namely:-

"Napier	South	Wellesley to 36 feet east".
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7. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

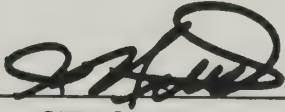
"William	West	commencing at a point 216 feet south of Birge to a point 23 feet southerly therefrom	Anytime
Erin	West	commencing at a point 45 feet south of Melrose to a point 34 feet southerly therefrom	Anytime
Gertrude	North	commencing at a point 36 feet west of the extended west curb line of Rowanwood and extending to a point 18 feet westerly therefrom	Anytime
Wexford	West	commencing at a point 172 feet north of Dunsmure to a point 22 feet northerly therefrom	Anytime
Charlton	South	commencing at a point 150 feet east of Kent to a point 18 feet easterly therefrom	Anytime".

and by deleting therefrom the following items, namely:-

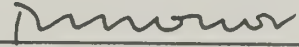
"Tiffany	East	commencing at a point 273 feet north of Barton to a point 24 feet northerly therefrom	Anytime
Walnut	West	commencing at a point 91 feet south of Forest to a point 20 feet southerly therefrom	Anytime
Dunsmure	North	commencing at a point 96 feet east of Park Row to a point 19 feet easterly therefrom	Anytime

Dunsmure	South	commencing at a point 94 feet east of Park Row to a point 26 feet easterly therefrom	Anytime
Campbell	North	commencing at a point 42 feet east of Agnes to a point 20 feet easterly therefrom	Anytime
Campbell	South	commencing at a point 10 feet east of the east curb line of Agnes to a point 24 feet easterly therefrom	Anytime".

PASSED THIS *9th* DAY OF *March*, A.D. 1993.



CITY CLERK



MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 93 - 052

TO AMEND

TRAFFIC BY-LAW 89-72

PARKS BY-LAW 89-74

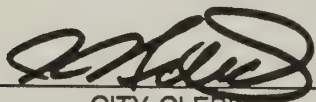
WHEREAS each of the aforementioned by-laws provide for the tagging of motor vehicles and the payment of penalties out of Court;

AND WHEREAS the Transport and Environment Committee, at its meeting of 1993 March 01st, recommended that the parking violation fines for overtime parking in time limit areas and at parking meters be increased as hereinafter provided.

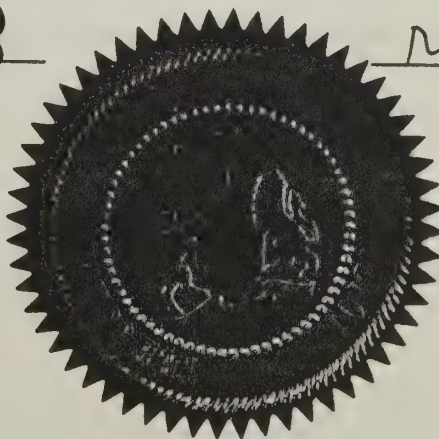
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:-

1. **Section 54(2)** of the Parks By-law 89-74 passed on the 28th day of February 1989 is hereby amended by striking out "\$6.00" in the first line of Subsection (a) and by inserting in lieu thereof "\$10.00".
2. **Section 43a** of By-law 89-72 to Regulate Traffic passed on the 28th day of February 1989 is hereby amended:
 - a) by striking out "six dollars" in the first line of **Subsection (1)(a)** and by inserting in lieu thereof "ten dollars"; and
 - b) by striking out "six dollars" in the first line of **Subsection (1)(b)** and by inserting in lieu thereof "ten dollars"; and
 - c) by striking out "six dollars" in the third line of **Subsection (2)(a)** and by inserting in lieu thereof "eight dollars"; and
 - d) by striking out "six dollars" in the third line of **Subsection (2)(b)** and by inserting in lieu thereof "eight dollars".
3. This by-law shall come into force and take effect on the 1st day of July 1993.

PASSED THIS *9th* DAY OF *March*, A.D. 1993.



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 93- 053

To Authorize:

**CONTRACT FOR THE COLLECTION OF APARTMENT GARBAGE,
EXTENDING BEYOND THE TERM OF COUNCIL**

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a municipality to establish and maintain a system for the collection, removal and disposal of garbage and for contracting with any person for the collection and removal of the garbage;

AND WHEREAS the City wishes to enter into a five year Contract for the collection of garbage and to pay for the Contract over a period of years, without borrowing or without the issuance of debentures;

AND WHEREAS the City intends to raise the money to pay for such projects through an annual realty tax levy during the term of this Council and in subsequent years beyond the term of this Council;

AND WHEREAS Section 65(1) of the Ontario Municipal Board Act, R.S.O. 1990, Chapter 0.28 provides as follows:

"65. (1) Notwithstanding the provisions of any general or special Act, a municipality shall not,

(a) authorize; or

(b) exercise any of its powers to proceed with; or

(c) provide any moneys for,

any undertaking, work, project, scheme, act, matter of thing, the cost or any portion of the cost of which is to be,

(d) raised in a subsequent year or years; or

(e) provided by the issue of debentures,

until the approval of the Board has first been obtained;"

AND WHEREAS Section 147(4) of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes issuance of regulations to prescribe debt and financial obligation limits for municipalities which are subject to the approval of the Ontario Municipal Board;

AND WHEREAS by Ontario Regulation 710/92, effective January 1, 1993, the Province of Ontario did prescribe the maximum annual spending limit within which The Corporation of the City of Hamilton may incur debts being repaid beyond the term of Council without approval of the Ontario Municipal Board;

AND WHEREAS the City Treasurer has confirmed that the annual total debts being incurred by the City for the municipal contracts listed herein, together with the total annual debts of existing City projects, will not exceed the debts and financial obligations limits prescribed by Ontario Regulation which require Ontario Municipal Board Approval;

AND WHEREAS the Council of The Corporation of the City of Hamilton on February 9, 1993, in adopting Item 42 of the 2nd Report of the Transportation and Environment Committee, authorized a five year Contract, commencing April, 1, 1993, with WMI Waste Management of Canada Inc. to collect apartment garbage.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

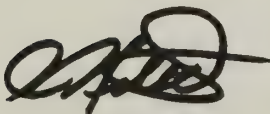
1. The following undertakings shall proceed as authorized by Ontario Regulation 710/92, pursuant to Sections 147(4) and (5) of the Municipal Act and are not subject to the approval of the Ontario Municipal Board,

A five year Contract with WMI Waste Management of Canada Inc. at the cost of \$0.636 per apartment unit per month at the following annual costs:

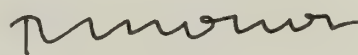
Year 1	\$203,835.00
Year 2	\$209,991.00
Year 3	\$216,333.00
Year 4	\$222,866.00
Year 5	\$229,596.00

2. The Treasurer and proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary,
 - (a) to record the said annual expenditures of the City to be raised through annual realty tax levy and to be repaid during the term of this Council and in years subsequent to the term of this Council, and to pay the said financial liabilities each year as the moneys for such liabilities are raised by realty tax levy to pay for same; and
 - (b) to include each year in the Current Budget of the applicable municipal department or local board, as the case may be, a sum of money to be raised each year in the levy of realty taxes sufficient to pay the financial obligations of the projects or transactions authorized by this by-law.

PASSED this 9th day of March , 1993.



City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 93- 054

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 290-296 VICTORIA AVENUE NORTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-12 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

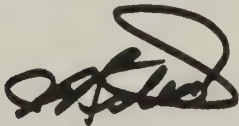
- (a) by changing from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 9th day of March

A.D. 1993.

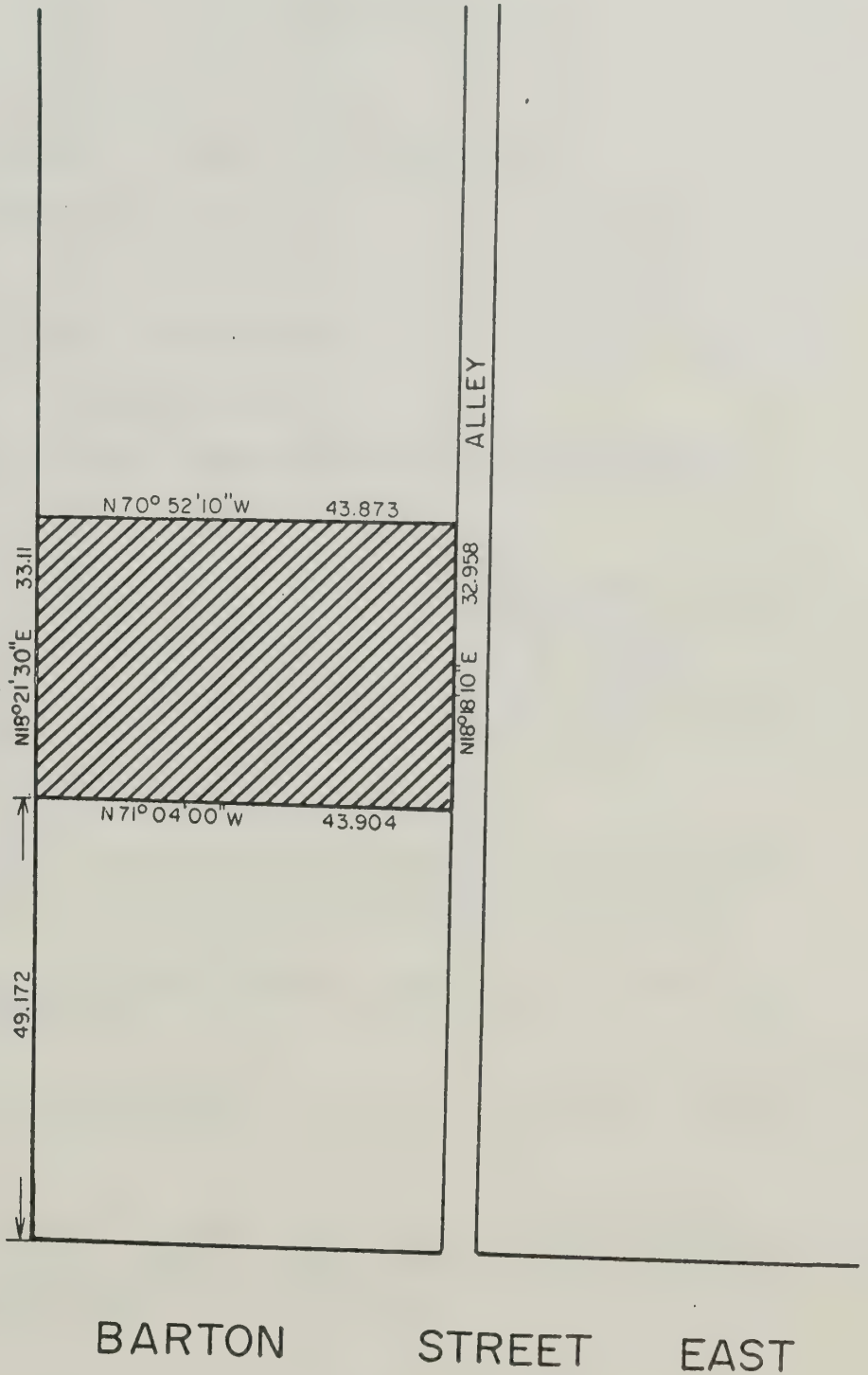


City Clerk



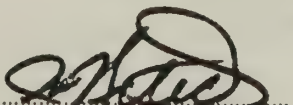
Mayor

VICTORIA AVENUE NORTH



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-054.
Passed the 9th day of March, 1993


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93-054....

to Amend By-Law No. 6593

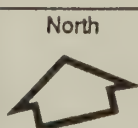
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District



Scale
NOT TO SCALE

Date
FEB. 12, 1993

Reference File No.
C1 - 92 - E

Drawn By
P. W.

The Corporation of the City of Hamilton

BY-LAW NO. 93- 055

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 290-296 VICTORIA AVENUE NORTH

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

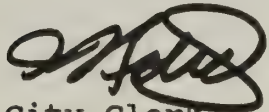
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

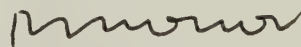
148. Lands located at Municipal Nos. 290-296 Victoria Avenue North, shown on Appendix 148 hereto annexed and forming part of this by-law.

2. Appendix 148 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

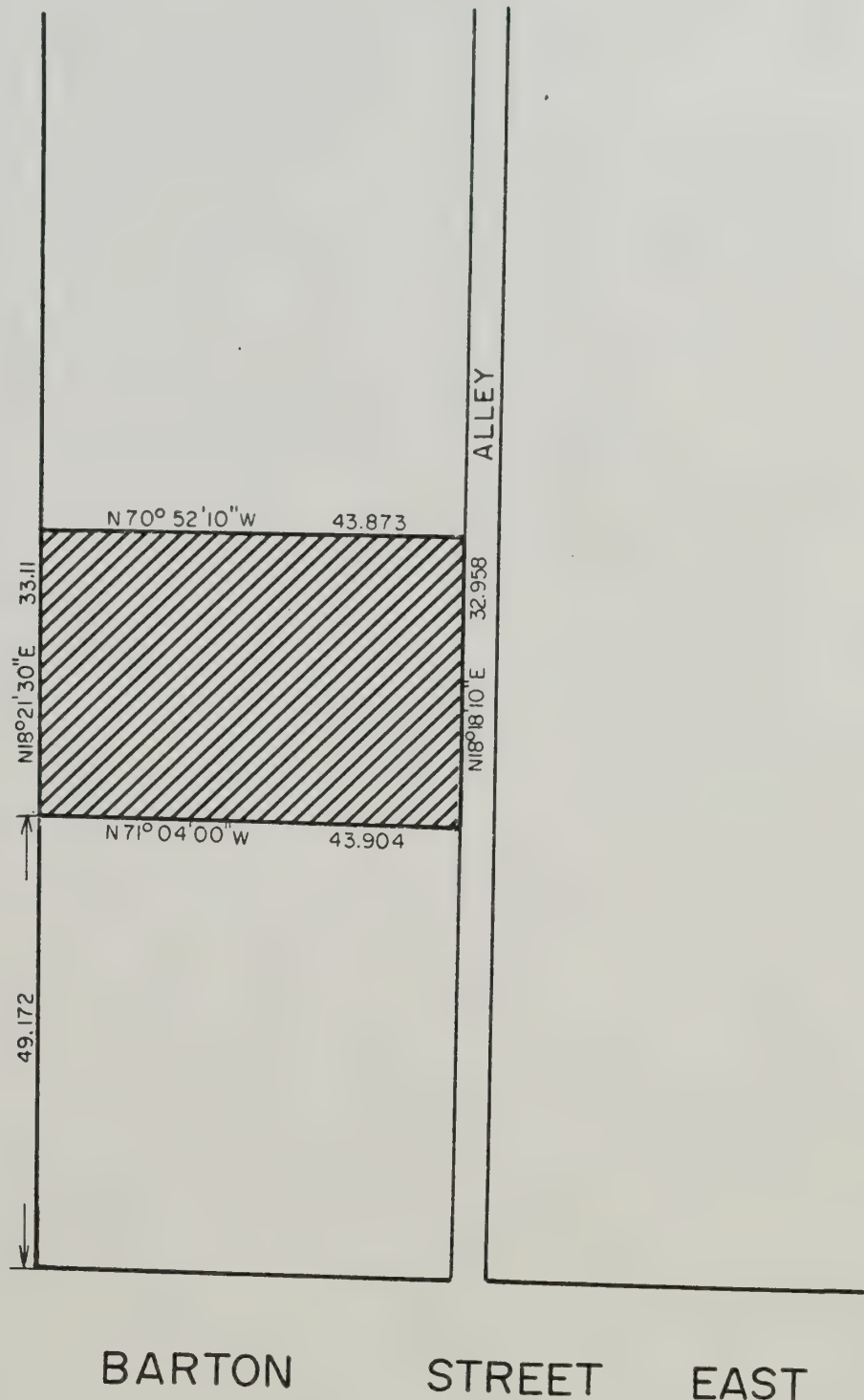
PASSED this 9th day of March A.D. 1993.


city clerk




Mayor

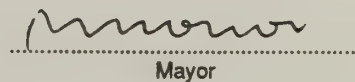
VICTORIA AVENUE NORTH



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-055
Passed the 9th day of March, 1993


Clerk


Mayor

City of Hamilton
Appendix 148
to By-Law No.79-275

as Amended by
By-Law No.87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands Designated Under this By-Law
as an area of Site Plan Control pursuant
to Section 41 of the Planning Act, R.S.O.
1990

North

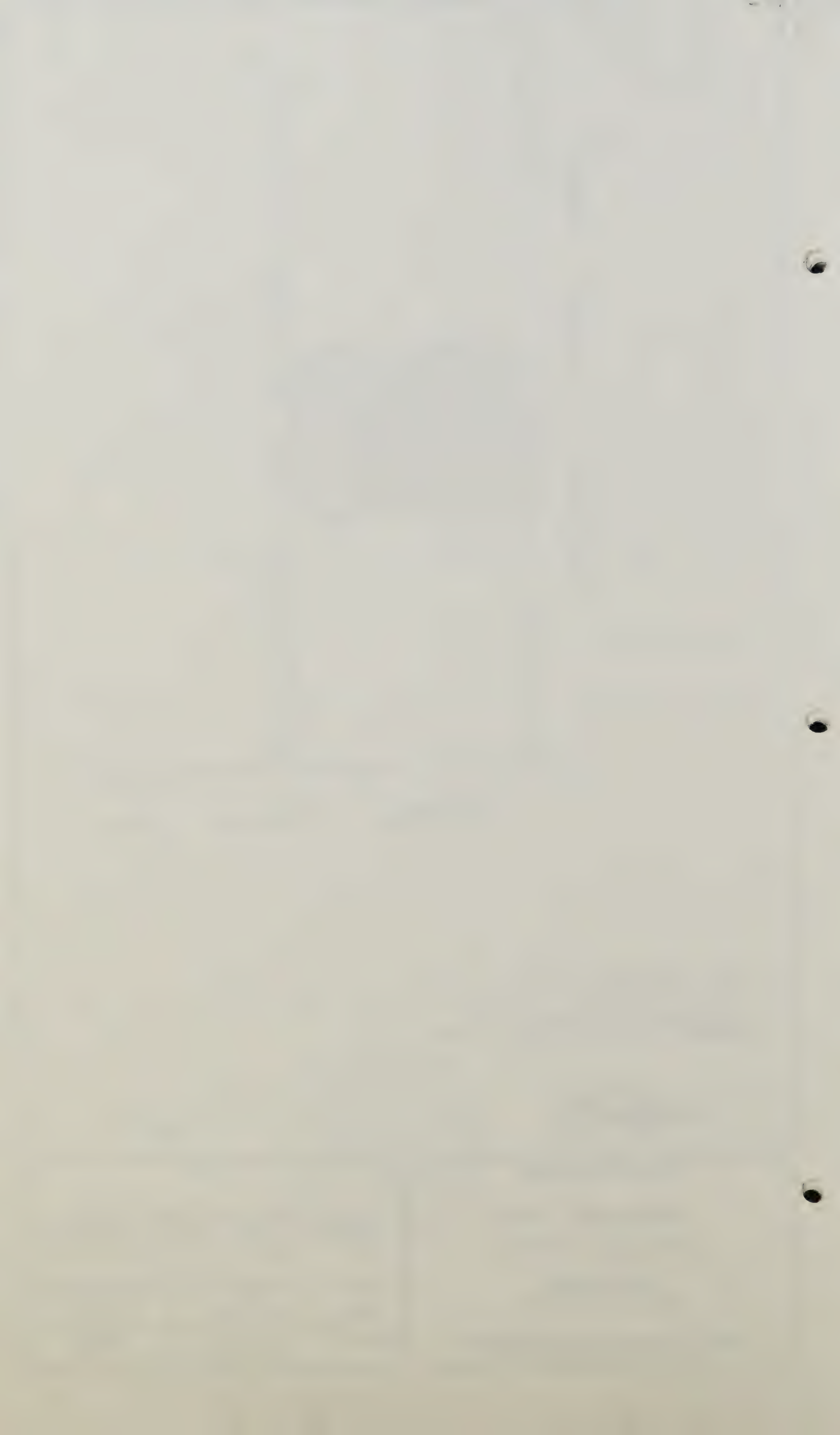


Scale
NOT TO SCALE

Date
FEB.12,1993

Reference File No.
C1 - 92 - E

Drawn By
P. W.



The Corporation of the City of Hamilton

BY-LAW NO. 93- 057

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 89-245

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 250 and 252 GIBSON AVENUE NORTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-245 on the 29th day of August 1989 to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "D" District, in respect of the lands located at Municipal Nos. 250 and 252 Gibson Avenue North, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Decision and Order (File No. R 900045), dated the 11th day of December 1990, directed that By-law No. 89-245 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 89-245, passed on the 29th day of August 1989, is amended by adding the following thereto:

(b) Section 18.(3)(ivc)(b) of By-law No. 6593 shall not apply;

(c) all vehicular parking must be provided and maintained only on the existing lot(s).

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 1 of this by-law and section 1 of By-law No. 89-245.

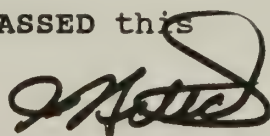
3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-459b.

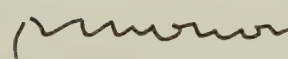
4. Sheet No. E-21 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-459b.

5. In all other respects, By-law No. 89-245 is hereby confirmed, unchanged.

PASSED this 9th day of March

A.D. 1993.


City Clerk


Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 93- 058

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 90-181

Respecting:

LANDS LOCATED AT
MUNICIPAL NOS. 1610, 1614, 1620 AND 1626 UPPER GAGE AVENUE

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-181 on the 26th day of June 1990 to change the zoning of the lands located at Municipal Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Decision and Order (File No. R 900619), dated the 11th day of January 1991, directed that By-law No. 90-181 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 90-181, passed on the 26th day of June 1990, is amended by adding the following thereto:

"2. The "RT-20" (Townhouse - Maisonette) District provisions as contained in Section 10E of By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the following special requirement that,

(a) Section 10E(2)(a)3 of By-law No. 6593 shall not apply.

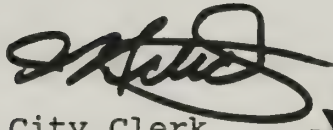
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-20" District provisions, subject to the special requirement referred to in section 2 of this by-law.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1304.

4. Sheet No. E-38D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1304."

2. In all other respects, By-law No. 90-181 is hereby confirmed, unchanged.

PASSED this 9th day of March A.D. 1993.



City Clerk



Mayor

(1990) 9 R.P.D.C. 12, April 24
Ontario Municipal Board Decision,
and Order dated January 11, 1991
H.C. Harnden and H.A. Anderson, Owners
ZA-90-16

The Corporation of the City of Hamilton

BY-LAW NO. 93- 059

To Repeal:

Zoning By-law No. 92-002

Respecting:

LAND LOCATED AT MUNICIPAL NO. 126 LILACSIDE DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-002 on the 10th day of December 1991;

AND WHEREAS By-law No. 92-002 was appealed to the Ontario Municipal Board;

AND WHEREAS By-law No. 92-210, passed on the 25th day of August 1992, permits hair salons in residences;

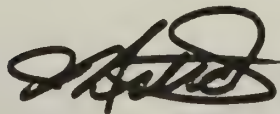
AND WHEREAS the Ontario Municipal Board in its Disposition and Order (File No. R 920071), dated the 27th day of January 1993, rendered By-law No. 92-002 to be redundant.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 90-002, passed on the 10th day of December 1991, is hereby repealed.

PASSED this 9th day of March

A.D. 1993.



City Clerk



Mayor

BY-LAW NO. 93 -060

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 9TH DAY OF MARCH A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 9th

day of March

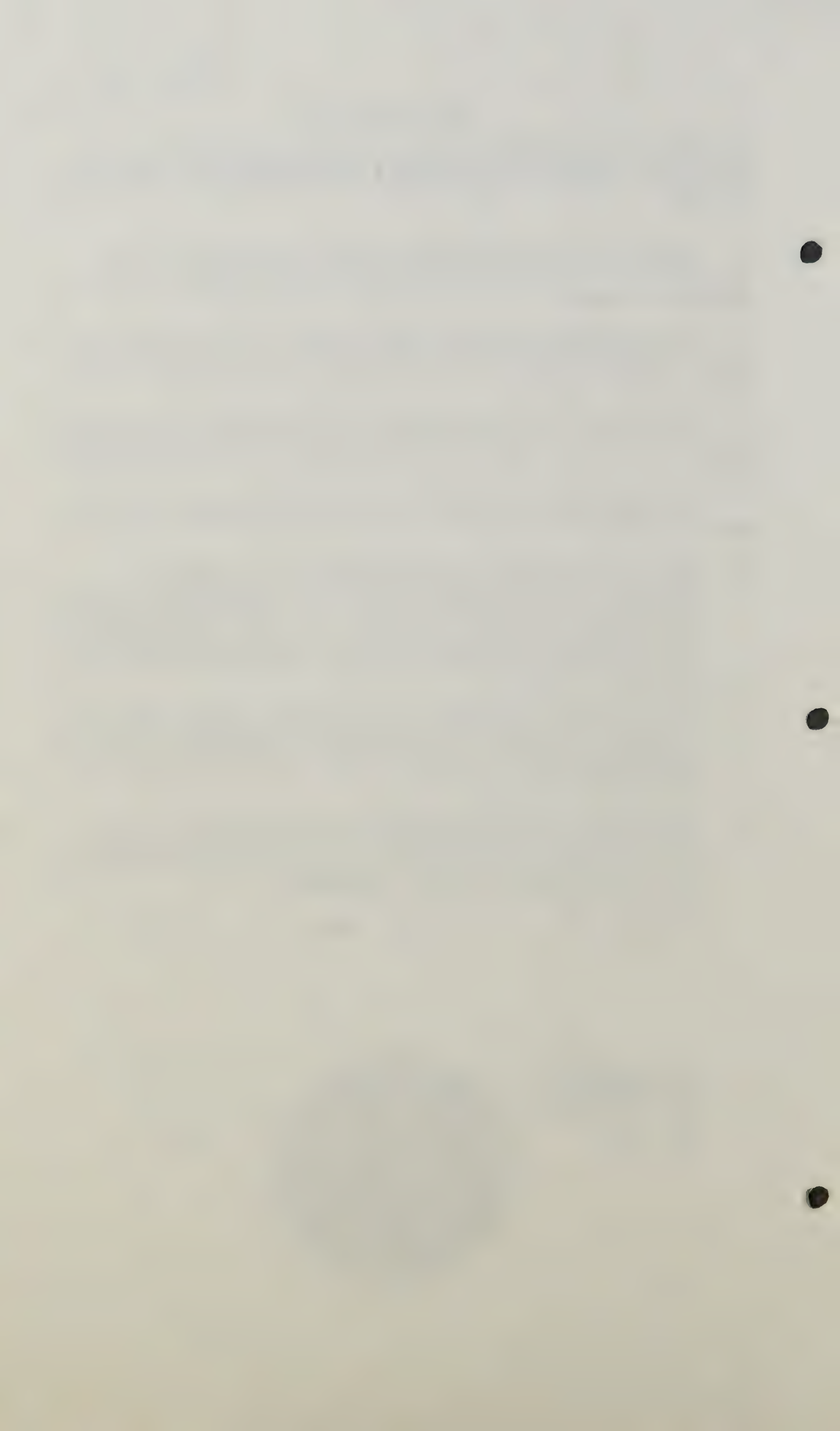
A.D. 1993



CITY CLERK



MAYOR



BY-LAW NO. 93 - 061

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 26TH DAY OF MARCH A.D., 1993.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

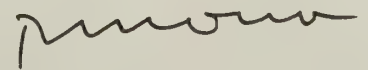
PASSED this 26th

day of March

A.D. 1993

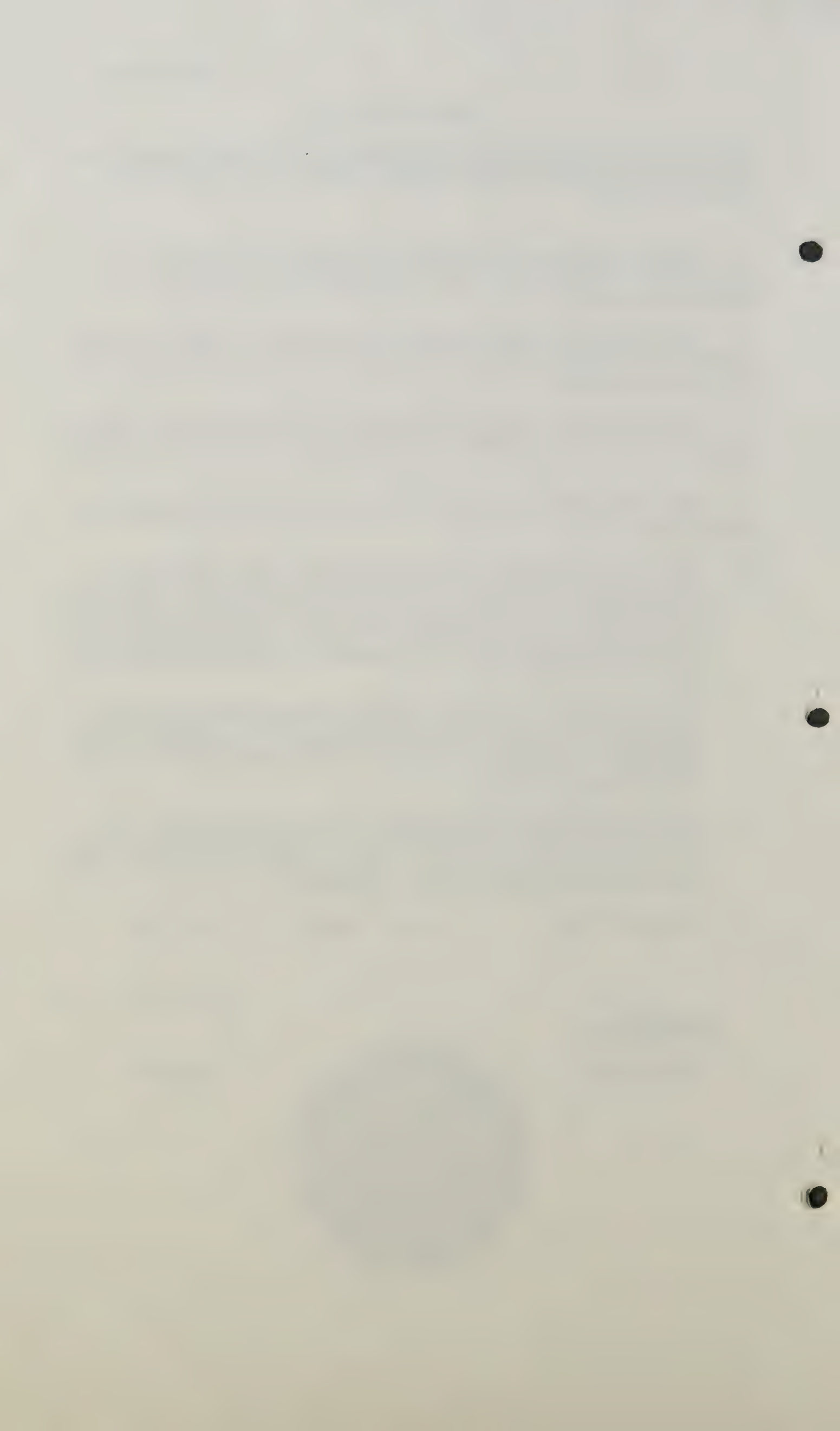


CITY CLERK



MAYOR





The Corporation of the City of Hamilton

BY-LAW NO. 93- 062

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 89-163

Respecting:

LAND LOCATED AT MUNICIPAL NO. 10 HEMPSTEAD DRIVE

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-163 on the 9th day of May 1989, to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "M-14" District, in respect of the land located at Municipal No. 10 Hempstead Drive, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 12 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, recommended that Zoning By-law No. 6593, as amended by By-law No. 89-163, be further amended to establish a special requirement under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "M-14" (Prestige Industrial) District provisions, as contained in Section 17F of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

(a) notwithstanding Section 17F(1)(b) of By-law No. 6593, a motor vehicle repair shop except a paint and autobody repair shop shall be permitted.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-14" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1124a.

4. Sheet No. E-59D of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 89-163 and section 1 of this by-law, S-1124a.

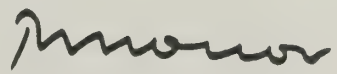
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of March

A.D. 1993.



City Clerk



Mayor



(1993) 5 P.P.D.C. 12, March 9
Mr. G. Sebastian Inc., Owner
ZA-92-46

HEMPSTEAD DRIVE

HEMPSTEAD DRIVE

LANCING DRIVE

N 16° 33' E
40.00

108.711 N 73° 27' W

108.848 N 73° 27' W

N 16° 16' 35" E
123.459
69.133

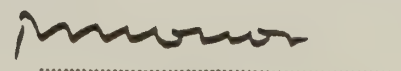
N 16° 21' 10" E

40.00

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93 - .062
Passed the 30th day of March, 1993.


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 93 -.062....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 93 -.062.

North



Scale
NOT TO SCALE

Date
MARCH 1993

Reference File No.
ZA 92-46

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93- 063

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 92-281

Respecting:

**FRONT YARD PARKING FOR SINGLE AND TWO-FAMILY DWELLINGS
IN RESIDENTIAL DISTRICTS**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-281 on the 10th day of November 1992 to amend Zoning By-law No. 6593 to provide for a general text amendment to implement the "Housing Intensification Strategy" respecting residential conversion, as adopted by City Council on the 25th day of June 1991;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 14 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, recommended that Zoning By-law No. 6593, as amended by By-law No. 92-281, be further amended to modify the front yard parking requirements for single and two-family dwellings in residential districts as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Clause 19(1)(v)(1) of Section 7 of By-law No. 92-281 is deleted and the following substituted therefor:

"it may be located in a required front yard provided that the area for parking, manoeuvring and access driveway shall not occupy more than 50% of the gross area of the front yard;"

(b) Clause 19(2)(vi)(1) of Section 7 of the said by-law is deleted and the following substituted therefor:

"it may be located in a required front yard provided that the area for parking, manoeuvring and access driveway shall not occupy more than 50% of the gross area of the front yard;"

2. (a) Clause 18A.(14a) of Section 8 of the said by-law is deleted and the following substituted therefor:

"Except for single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, no part of a required parking area in a residential district shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials."

(b) Clauses 18A.(14b) and 18A.(14b)(i) of Section 8 of the said by-law are deleted and the following substituted therefor:

"For single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, parking may be provided and maintained in the front yard provided that:

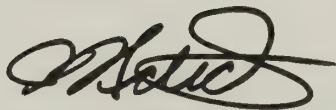
(i) the area for parking shall not occupy more than 50% of the gross area of the front yard; and,"

3. In all other respects, By-law No. 92-281 is hereby confirmed, unchanged.

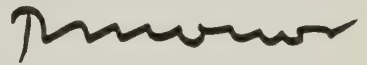
4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of March

A.D. 1993.



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 93-064

To Amend:
Zoning By-law No. 6593
and to Repeal By-laws No. 91-206 and 92-046

Respecting:

**LANDS LOCATED AT THE SOUTH-WEST CORNER OF UPPER SHERMAN AVENUE
AND LIMERIDGE ROAD EAST**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-206 on the 29th day of October 1991 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-046 on the 28th day of January 1992 to amend By-law No. 91-206 to delete a video store as a permitted use in respect of the above-captioned land, which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 13 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, recommended that Zoning By-law No. 6593 be amended as hereinafter provided and that By-laws No. 91-206 and 92-046 be repealed in their entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-laws No. 91-206 and 92-046 are hereby repealed in their entirety.

2. Sheets No. E-27A and E-27B of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. The "G-4" (Designed Neighbourhood Shopping Area) District provisions, as contained in Section 13D of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 13D(1)B of By-law No. 6593, a gas bar shall be permitted;
- (b) a landscaped strip not less than 3.0 m in width and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-4" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1305.

6. Sheets No. E-27A and E-27B of the District Maps are amended by marking the lands referred to in section 2 of this by-law, S-1305.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

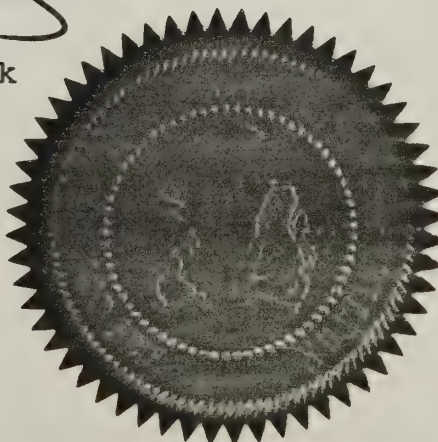
PASSED this 30th day of March A.D. 1993.



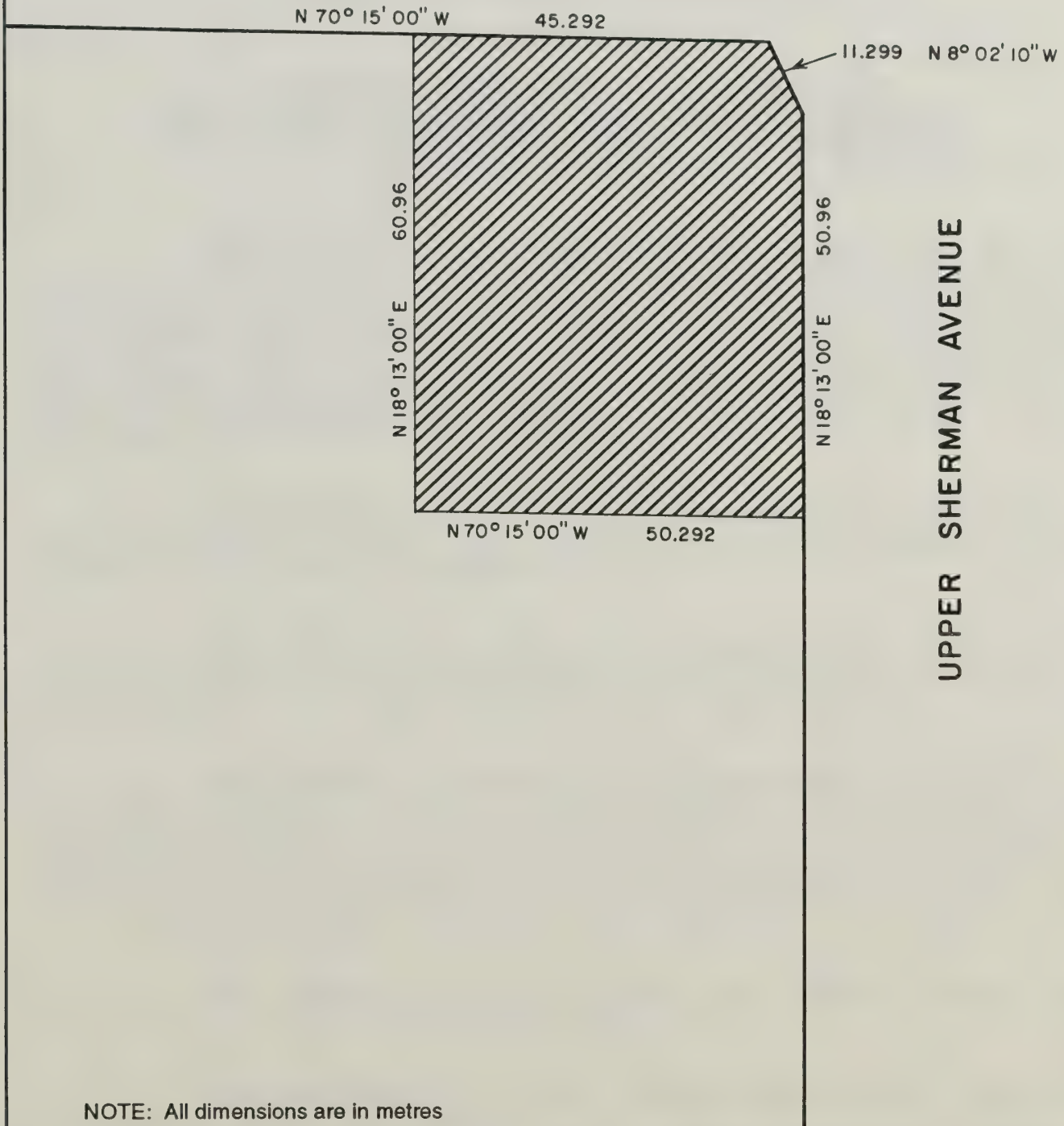
City Clerk



Mayor



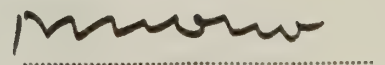
LIMERIDGE ROAD EAST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 93-064
Passed the 30th day of March, 1993.


Clerk


Mayor

City of Hamilton Schedule A

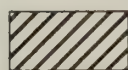
Map Forming Part of
By-Law No. 93-064....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to "G-4"
(Designed Neighbourhood Shopping
Area) District, modified.

North



Scale
NOT TO SCALE

Date
MARCH 1993

Reference File No.
ZA 92 - 50

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 93- 065

To Amend:

By-law No. 86-73

As Amended by By-laws No. 87-148 and 92-058

Respecting:

**MEMBERS OF THE BOARD OF MANAGEMENT OF
THE BUSINESS IMPROVEMENT AREA GENERALLY BOUNDED BY
KING WILLIAM STREET, MARY STREET, MAIN STREET EAST
AND JAMES STREET NORTH**

WHEREAS By-law No. 86-73, passed on the 11th day of February 1986, continued the Board of Management established by By-law No. 83-71, passed on the 22nd day of February 1983, of the Improvement Area designated by By-law No. 82-151, passed on the 29th day of June 1982, known as the "Downtown Promenade Business Improvement Area", more particularly described in By-law No. 82-151, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 87-148, passed on the 12th day of May 1987 amended Schedule "B" of By-law No. 86-73 to appoint a new member to the Board of Management;

AND WHEREAS By-law No. 92-058, passed on the 11th day of February 1992 repealed and replaced Schedule "B" of By-law No. 86-98 to appoint new members to the Board of Management;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 6 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, directed that the composition of the Board of Management be further amended, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Schedule "B" referred to in clause 2(b) of By-law No. 86-73, as amended, is further amended by deleting the following names:

Marcel Mongeon	Royal Connaught Hotel
Greg Gouthreau	Hamilton Holiday Inn
Al Spadero	Central Guaranty Trust

(b) Schedule "B" referred to in clause 2(b) of By-law No. 86-73, as amended, is further amended by adding the following name:

Jean Edwards	Hamilton Holiday Inn
--------------	----------------------

2. In all other respects, By-law No. 86-73, as amended, is hereby confirmed, unchanged.

PASSED this 30th day of March A.D. 1993.



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 93- 066

To Amend:

By-law No. 86-98
As Amended by By-law No. 92-074

Respecting:

**MEMBERS OF THE BOARD OF MANAGEMENT OF
THE WESTDALE BUSINESS IMPROVEMENT AREA**

WHEREAS By-law No. 86-98, passed on the 11th day of March 1986, provided for a Board of Management of the Improvement Area designated by By-law No. 86-30, passed on the 10th day of December 1985, known as the "Westdale Business Improvement Area", more particularly described in By-law No. 86-30, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 92-074, passed on the 10th day of March 1992 repealed and replaced Schedule "B" of By-law No. 86-98 to appoint new members to the Board of Management;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 4 of the 5th Report of the Planning and Development Committee at its meeting held on the 9th day of March 1993, directed that the composition of the Board of Management be further amended, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Schedule "B" referred to in clause 2(b) of By-law No. 86-98, as amended, is further amended by deleting the following names:

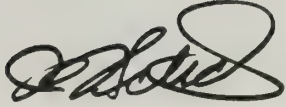
Cathy Young	Westdale Food Shoppe
Pat Hubbard	Copies Plus
Cynthia Dika	The Colour Studio
Adam Yoo	Grandma Lees

(b) Schedule "B" referred to in clause 2(b) of By-law No. 86-98, as amended, is further amended by adding the following names:

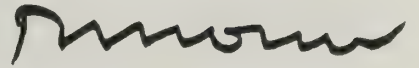
Bob Basadur	Cottonwood
Dan Upsdell	Oddities

2. In all other respects, By-law No. 86-98, as amended, is hereby confirmed, unchanged.

PASSED this 30th day of March A.D. 1993.



City Clerk



Mayor



(1993) 5 R.P.D.C. 4, March 9

The Corporation of the City of Hamilton

BY-LAW NO. 93-067

To Authorize

1993 DEBENTURE PROJECTS AND AMOUNTS

WHEREAS Ontario Regulation 710/92 enacted under the authority of the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for a municipality's debt obligations which do not require the approval of the Ontario Municipal Board;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 1 of the Second Report of the Committee of the Whole on January 29, 1993 authorized the projects appearing in Schedule "A" to this By-law;

AND WHEREAS the financial commitments, liabilities and debt charges of the projects listed in Schedule "A" and The Corporation of the City of Hamilton's other debts and debt charges will not exceed the City's debt limit as specified by the Municipal Act and Regulation 710/92;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The projects listed in Schedule "A" attach to and form part of this By-law and are hereby approved.
2. The City Treasurer is authorized to arrange the issuance of the necessary debentures to a maximum of \$5,103,000.00 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth and chargeable to the City.
3. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to this By-law.

PASSED this 30th day of March, 1993.



City Clerk



Mayor



SCHEDULE "A" TO BY-LAW 93-067

<u>Project</u>	<u>Gross Cost</u>	<u>Receipts & Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
1) Major Maintenance to Civic Buildings	\$ 350,000	--	\$ 350,000	20 years
2) 1993 Roadways and Sidewalks Reconstruction Program - Local Roads	<u>\$7,000,000</u>	<u>\$2,247,000</u>	<u>\$4,753,000</u>	20 years
	<u>\$7,350,000</u>	<u>\$2,247,000</u>	<u>\$5,103,000</u>	

The Corporation of City of Hamilton

BY-LAW NO. 93-068

**To Amend:
By-law No. 90-94**

**To Appoint a City Solicitor
For the Corporation of the City of Hamilton**

WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 90-94 on the 12th day of March 1990 to appoint P. Noé Johnson as City Solicitor for The Corporation of the City of Hamilton, and

WHEREAS the Council of The Corporation of the City of Hamilton in adopting item 23 of the twenty third Report of the Finance and Administration Committee at its meeting held on the 24th day of November 1992 renewed the appointment of P. Noé Johnson as City Solicitor for a five year period commencing March 13, 1993.

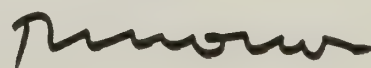
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts that **By-law No. 90 - 94** is amended by deleting sections 2(a) and 2 (b) and substituting the following:

"2. (a) shall be appointment as *City Solicitor* effective commencing on March 13, 1993 for a term of five years."

PASSED this 30th day of March A.D.1993.



CITY CLERK



MAYOR

(1992) 23 R.F.A.C. 23, November 24

The Corporation of the City of Hamilton

BY-LAW NO. 93 - 069

A By-law to Consolidate

Licensing By-law No. 79-323 and amendments thereto;

1.(1) In this by-law:

- (a) "Board" means the Police Services Board of the Hamilton-Wentworth Regional Police;
- (b) "Chief Constable" means the chief constable of the Hamilton-Wentworth Regional Police Force;
- (c) "City" means The Corporation of the City of Hamilton;
- (d) "City Council" or "council" means the council of The Corporation of the City of Hamilton;
- (e) "City Treasurer" means the treasurer of the City;
- (f) "Chief Licence Inspector" means the Chief Licence Inspector of the City;
- (g) "Issuer of Licences" means the Licence Administrator authorized to provide licences issued, renewed or transferred by the Licence Committee;
- (ga) "Licence Administrator" means the official appointed by council to administer this by-law;
- (h) "Licence Committee" means the City of Hamilton Licensing Committee established by council;
- (ha) "public interest" includes,
 - (A) promotion or advancement of the good of the inhabitants of the City or any part thereof, or
 - (B) avoidance of things, occasions, occurrences or opportunities hurtful to the comfort or interest of the inhabitants of the City or any part thereof,

but does not include circumstances of mere convenience, whim or caprice;

- (i) "Secretary" means the secretary of the Licence Committee;
- (j) "Schedule" shall be a reference to one or all the Schedules listed in Section 17, as the context requires.

(2) Except where otherwise provided, the provisions of this by-law apply to the engaging in or carrying on, in the City of Hamilton, of any of the trades, businesses or occupations regulated by this by-law.

2.(1) Subject to the powers, duties, authorizations, directions and requirements of the Licence Committee:

- (a) administration of this by-law shall be by the Licence Administrator, and
- (b) enforcement of this by-law shall be by by-law enforcement officers of the City,

(2) In accordance with the Police Services Act, police officers shall also enforce this by-law.

3.(1) Every application for a license shall be in writing and shall show:

(a) the particular class of licence applied for; and

(b) the full name, home address and telephone number of the applicant; and

(c) any other information as may be required for the kind and class of licence by the Schedules, or as may be necessary to identify the applicant, the business and its owner or operator, and the nature of the business which the applicant proposes to licence, including any location or vehicle to be used; and

(d) where the application is a renewal, it shall specify any change in the required information from the previous application; and

(e) an executed release for police information, in the form provided by the City.

(2) The application shall be delivered in person by the applicant to the Issuer of Licences.

(3) No application shall be received from any person who has been refused a similar licence within the previous three months.

(4) Where an applicant was the holder of a similar licence under this by-law for the previous year and there is no change in the required information, the applicant need not comply with subsection (2) unless requested by the Licence Committee, but shall supply a written and signed declaration that there has been no change in the required information.

(5) Where any premises or part thereof are to be used for a purpose requiring authorization by licence, the application shall include a sufficient description of such premises or of the part to be authorized to be so used, including the address and telephone number of the location, and a separate application shall be made with respect to each separate premises to be so used.

(6) Where a motor vehicle is to be used for a purpose requiring authorization by licence, the application shall include a sufficient description of such vehicle, including the make, the model, the licence plate number, and the vehicle identification number, and a separate application shall be made with respect to each vehicle to be so used.

(7) Where the business for which a licence is sought is carried on or is to be carried on by two or more persons in partnership, the names and addresses of all partners shall be set forth in the application.

4.(1) Upon receipt of an application and fees, the Chief Licence Inspector shall, without undue delay, obtain from the Chief Constable and forward to the Issuer of Licences for the information and convenience of the Licence Committee in its consideration of the application, a report of all readily ascertainable facts relating to the question of the character and fitness of the applicant to be a holder of the kind and class of licence applied for.

(2) Where any motor vehicle is to be used for a purpose requiring authorization by licence, the report shall include the results of an examination of the same as to its fitness or otherwise, and whether the applicant is the registered owner.

5.(1) Upon receipt of a licence application and fees, and before renewal of a licence or transfer of a licence, the Licence Committee may cause to be made all such investigations as it requires and shall consider the results of the investigations before determining whether or not the licence should be issued, renewed or approved for transfer.

(2) If the investigation does not disclose any reason to believe that:

(a) the applicant's character may not be good;

(b) the carrying on of the trade, calling, business or occupation may result or will result,

(i) in a breach of the law or any other by-law of the City; or

(ii) in a breach of this by-law or any schedule thereof; or

(c) the trade, calling, business or occupation may be contrary to the public interest;

the Licence Committee may, subject to subsection (5), approve the application, renewal or transfer.

(3) If the investigation discloses any reason to believe that:

(a) the applicant's character may not be good;

(b) the carrying on of the trade, calling, business or occupation may result or will result,

(i) in a breach of the law or any other by-law of the City; or

(ii) in a breach of this by-law or any schedule thereof; or

(c) the trade, calling, business or occupation may be contrary to the public interest;

the Licence Committee shall not issue a licence.

(4) The Licence Committee shall, in considering the application for a licence, or a renewal of a licence, or a transfer of a licence, take into account the following:

1. The character of the applicant.

2. Whether the carrying on of the trade, calling, business or occupation may result or will result,

(a) in a breach of the law or any other by-law of the City; or

(b) in a breach of this by-law or any schedule thereof.

3. Whether the carrying on of the trade, calling, business or occupation by the applicant may be contrary to the public interest.

4. Any other matter relating to the carrying on of a trade, calling, business or occupation that the Licence Committee requires to be considered.

(5) Every applicant shall, to the satisfaction of the Licence Committee, comply with all prior requirements of the applicable schedule, before an application is approved.

(6) No licence shall be issued where the applicant does not comply with the prior requirements of the applicable schedule.

6.(1) Subject to subsection (2), the licences for the several trades, callings, businesses or occupations set out in the Schedules to this by-law are valid for the term of the calendar year, unless the particular schedule provides for licences of a shorter term.

(2) Unless the licences referred to in subsection (1) are sooner revoked or suspended, to the City they shall, in each case, expire on the earlier of:

(a) the date of expiry shown upon the issued licence certificate, or where there is no such date shown, on the 31st day of December of the year for which the licence was issued;

(b) in the case of a licence issued to an individual, on the date of death of the individual; or

(c) in the case of a licence issued to a partnership or corporation, on the date of dissolution of the partnership or corporation.

(2a) Except in the case of subsection (2)(b), the Licence Holder shall return the licence certificate:

(a) upon the expiry of the licence; or

(b) in the case of a licence that has been suspended or revoked, unless the licence certificate has been returned to the City at the earlier request of the Licence Administrator, within seven days of the date of approval of the suspension or revocation by council.

(3) The required fee shall be paid for the whole of the year for which the licence is issued, unless a Schedule provides for a fee based on a shorter period, and shall be payable at the time the application is submitted.

(4) The amount of the licence fee fixed in a Schedule for issue of a licence shall be the fee payable for renewal or transfer of the licence, unless a separate fee is specified.

7.(1) The Issuer of Licences shall sign the licence certificate on behalf of the City.

(2) When the applicant has paid the amount of the licence fee, and subject to other provisions of this by-law and directions of the Licence Committee, the Issuer of Licences shall deliver the licence certificate, any licence plate, or identification card which may be prescribed by this by-law.

(3) Every licence certificate, licence plate and identification card shall remain the property of the City.

7a. Where the City provides any form or other document to a person that requires the insertion of information, the form or document whether or not containing the inserted information in whole or in part, shall be and remain the property of the City.

7b. Every licence certificate, licence plate, identification card, form or document, shall be delivered forthwith to the City upon written or oral request of the Licence Administrator or the Chief Licence Inspector or a licence inspector.

8.(1) Every licence certificate shall be in such form as may from time to time be authorized by the Licence Committee and shall show on its face:

(a) the kind or class or classes of licence granted;

(b) the period for which it is granted, including the date of expiry;

(c) whenever the licence authorizes the use of any premises or part or parts for the purpose of the licensed business or occupation, clear identification of such premises or part or parts, together with limitations, if any, to which such use is subject by law, whether as to the maximum number of persons who may be lawfully accommodated at any one time, or otherwise; and

(d) wherever the licence authorizes the use of a motor vehicle, clear identification of the motor vehicle, including year, make, model, Vehicle Identification Number and licence plate number.

(2) No licence certificate shall be valid until it is shown on the face of the certificate that the amount of the licence fee has been paid.

9. (Repealed.)

10. The Secretary shall attend all meetings of the Licence Committee and shall keep all necessary records and perform such other duties as may from time to time be required by the Licence Committee.

11.(1) Every licence is personal to the holder thereof, and no licence is transferable without the consent in writing of the Licence Committee.

(1a) No license is transferable unless a transfer is specifically provided for in the applicable Schedule.

(2) No licence authorizes the use of any premises or part, or of any vehicle, except that identified on the licence certificate.

12.(1) Where a licence authorizes the use of any premises or part, for any purpose for which a licence is required under this by-law, the current licensee shall:

(a) post up the licence certificate; and

(b) keep the licence certificate posted up, in a position where it may readily be seen and read by persons entering the premises or part thereof.

(2) No licence which is not current shall be posted up or left posted up.

13. The licensee shall be responsible that the premises authorized to be used for the purposes of the licensed business are kept clean and orderly, and that every vehicle authorized to be used for the purpose of the licensed business is so used only when in a clean and safe condition.

14. The Chief Constable, a police constable, the Chief Licence Inspector and a licence inspector may at all reasonable times inspect any licensed premises or vehicle, and inspect any records required by this by-law to be kept by the licensee, and the licensee shall be responsible that all reasonable assistance therefor is afforded by himself, his employees, servants and agents.

15. The Licence Committee may suspend or revoke a licence where:

(a) the character of the licensee is such that it may,

(i) provide an adverse reputation to the trade, calling, business or occupation;

(ii) result in acts or omissions adverse to good trade, calling, business or occupation practices;

(b) the carrying on of the trade, calling, business or occupation by the licensee may result or results,

(i) in a breach of the law or any other by-law of the City; or

(ii) in a breach of any provision of this by-law or any Schedule thereof;

(c) the carrying on of the trade, calling, business or occupation is contrary to the public interest; or

(d) the licensee has been convicted of an offence under section 18.

15a. Where a hearing has been held and the Licence Committee has:

(a) refused to issue, renew or transfer a licence; or

(b) revoked a licence;

and City Council has made a decision in respect of a recommendation of the committee, any rehearing or further hearing by the committee in respect of the licence shall be held not less than twelve months from the date of a decision by City Council.

16. (Repealed).

17. The following Schedules appended hereto, form part of this by-law, and every person engaging in or carrying on any trade, business, calling or occupation for which a licence is required by the provisions of this by-law shall be responsible that all the provisions of this by-law regulating such trade, business, calling or occupation are complied with:

Schedule 1 Auctioneers

Schedule 2 Barber Shops and Hairdressing Establishments

Schedule 3 Retail Butchers and Fish Mongers

Schedule 4 Taxicabs

Schedule 4a Livery Vehicles

Schedule 5 Cartage Businesses

Schedule 6 Drive-Self Rental Vehicles

Schedule 7 Driving Schools and Instructors

Schedule 8 Eating Establishments

Schedule 9 Food Shops

Schedule 10 Tow-trucks

Schedule 12 (REPEALED)

Schedule 13 Pedlars

Schedule 15 Public Halls and Places of Amusement

Schedule 16 Refreshment Vehicles

Schedule 17 Salvage and Second-Hand Goods Businesses

Schedule 19 Sign Posters and Bill Distributors, etc.

Schedule 20 Tobacco Retailers

Schedule 21 Tourist Camps, Trailer Camps and Motels

- Schedule 22 Transient Vendors
- Schedule 23 Pet Shops
- Schedule 24 Bake Shops
- Schedule 25 Dry Cleaning Establishments
- Schedule 26 Storage of Petroleum and Other Dangerous or Inflammable Substances
- Schedule 27 Laundries and Laundreterias
- Schedule 28 Lodging Houses
- Schedule 29 Massagists
- Schedule 30 Pawnbrokers
- Schedule 31 Public Baths
- Schedule 32 Public Garages
- Schedule 33 (REPEALED)
- Schedule 34 (REPEALED)
- Schedule 35 (REPEALED)
- Schedule 36 (REPEALED)
- Schedule 37 (REPEALED)
- Schedule 38 (REPEALED)
- Schedule 40 Special Sales
- Schedule 41 Old Gold and Jewellery Dealers
- Schedule 42 Building Exterior Cleaners
- Schedule 43 Flea Markets
- Schedule 44 Appendixes and Forms
- Schedule 45 Fees.

18. Every person who contravenes any provision of this by-law or of a Schedule hereof, and every director and officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence, and upon conviction is subject to the penalty provided in section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.

19. A licensing committee under the City of Hamilton Act, 1978, S.O. 1978, c.119, to be known as "The City of Hamilton Licensing Committee" is hereby established, and shall be composed of those members appointed by council, as listed in Appendix "A" hereto attached.

20.(1) By-law 79-323 as enacted by Council on November 27, 1979, and all the amendments and by-laws listed in Appendix "B" hereto, are consolidated and replaced by this by-law, which may be cited as "The City of Hamilton Licensing Code, 1993".

(2) Schedules 4 and 4a as enacted in By-law 92-172 as amended, are adopted as "Schedule 4" and "Schedule 4a" respectively of this by-law, subject only to the amendment of forms to be used listed in Schedule 44 of this by-law, and to the amendment of fees to be charged listed in respectively, sections 4 and 4a, of Schedule 45 of this by-law.

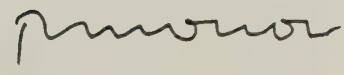
SEVERABILITY AND SAVING

21. Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

PASSED 30th day of March A.D. 1993.


City Clerk




Mayor

APPENDIX "A"

To By-Law No. 93- 069

(Section 19)

Members of the City of Hamilton Licensing Committee

1. Alderman T. Cooke.
2. Alderman D. Drury.
3. Alderman D. Wilson.
4. Mr. Arthur James Child.
5. Mr. John R. Jones.

APPENDIX "B" TO BY-LAW 93-069

(Section 20)

1. The following by-laws and amendments thereto have been consolidated and are repealed in their entirety, except as noted herein;

73-342, 10467, and 10468, 78-224 as amended, 79-323 excepting Section 19(2), 80-093, 80-194, 80-208, 80-222, 81-50, 81-79, 81-234, 82-197, 83-37, 83-104, 83-261, 83-300, 83-317, 84-16, 84-71, 84-244, 84-262, 85-91, 86-285, 86-344, 87-17, 87-44, 87-232, 87-234, 87-253, 87-254, 87-271, 87-272, 87-294, 87-325, 87-326, 87-341, 88-88, 88-136, 88-137, 88-139, 88-271, 89-27, 89-56, 89-57, 89-249, 89-315, 89-316, 89-347, 90-256, 90-279, 90-318, 90-338, 90-357, 91-106, 91-177, 92-005, 92-007 except for Sections 1, 2, 23, 24, 25, and 26, 92-008, Section 1 of 92-063, 92-220 and 92-221.

SCHEDULE 1

AUCTIONEERS

Licence Required

1. No person shall, in the City of Hamilton, carry on the business of an auctioneer or of selling or putting up for sale goods, wares, merchandise or effects by public auction, without a licence under this by-law entitling him so to do.

Duration of Licence

2. Unless otherwise specified by the Licence Committee in the licence certificate, the duration of the licence, subject to this by-law, shall be the balance of the calendar year in which it was granted, unless sooner lawfully revoked.

Application of Schedule

3. The provisions of this Schedule do not apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

4. Every place of business of an auctioneer shall be in all respects suitable for the purpose.

Duties

5.(1) Except as provided in Subsection (2), every auctioneer shall keep good order in his auction room and offices, shall not allow any gambling or other disorderly practice therein, shall keep proper books of account of the business transacted by him as an auctioneer, which books shall give the names and addresses of persons depositing goods with him for sale, the description of such goods, the names and addresses of the persons purchasing such goods, or any portion thereof, and at what price, and shall forthwith, after the sale of such goods or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less his proper and legal commission and charges; and shall in the case of no sale of such goods, on payment of his proper costs and charges return such goods to the person or persons entitled to receive the same on proper demand being made therefor.

(2) Nothing in this section contained shall in any way affect or invalidate the claim of any auctioneer for goods warehoused with him, or on which he has made advances.

Where Overcrowding

6. No auctioneer shall conduct an auction sale upon any premises which are unsafe as regards danger from fire or risk of accident, or commence or continue any auction sale at any time while there is upon the premises a number of persons so great as to create a condition which may be or become unsafe as regards danger from fire or risk of accident.

7. The amount of the licence fee is provided in section 1 of Schedule 45 of this by-law.

SCHEDULE 2

BARBER SHOPS AND HAIRDRESSING ESTABLISHMENTS

Licence Required

1. No person shall, in the City of Hamilton, carry on the business of a barber shop or hairdressing establishment without a licence under this by-law entitling him so to do.
2. The amount of the licence fee is provided in section 2 of Schedule 45 of this by-law.

SCHEDULE 3

RETAIL BUTCHERS AND FISHMONGERS

Interpretation

1. In this Schedule,

(a) "retail butcher" means a person who sells fresh meat in quantities less than by the quarter carcass; and

(b) "fishmonger" means a person who sells fresh fish.

Application of Schedule

2. Nothing in this Schedule affects the powers conferred upon the City Council by the provisions of The Municipal Act.

Licence Required

3. No person shall, in the City of Hamilton, sell fresh meat in quantities less than by the quarter carcass, or fresh fish, without a licence under this by-law, entitling him so to do.

Duration of Licence

4. The duration of the licence, subject to this by-law, shall be the balance of the calendar year in which it was granted.

Sale of Horse Meat

5. No person shall, in the City of Hamilton, sell any fresh horse meat in quantities less than by the quarter carcass,

(a) without a licence under this by-law, specifying that it is for the sale of fresh horse meat;

(b) except in premises authorized for the purpose, with signs displayed conspicuously both outside and inside bearing the words "Horse Meat Sold Here", in plain and legible letters at least six inches high; or

(c) in any premises where any other fresh meat or poultry or product thereof is offered or exposed for sale.

6. The licence fees are provided in section 3 of Schedule 45 of this by-law.

7. A licence issued under this Schedule is only permission to sell from the location or vehicle as the case may be, for which the licence has been issued.

8. Obtaining a licence under this Schedule or the payment of the licence fee required, does not excuse an applicant or licence holder from compliance with by-laws and regulations passed respecting markets, and in particular the applicant or licence holder must still pay all applicable markets fees and comply with the hours of operation imposed.

SCHEDULE 4

TAXI-CABS

1. In this Schedule,

1. "City" means the City of Hamilton;
2. "driver's licence" means a licence issued to a taxi-cab vehicle driver under this by-law and "licensed driver" has a corresponding meaning;
- 2a. "Goods and Services Tax Legislation" shall mean an Act or Acts of the Parliament of Canada which, respectively has or have the effect of imposing a tax on goods and services on the value of such goods and services;
(90-357)
- 2b. "hourly rate" means the rate set by paragraph 1 of section 34;
3. "limited interest agreement" means a written agreement in FORM 4 wherein a limited interest in a licence is temporarily transferred by a plate owner, and containing terms and conditions prescribed in section 17(4) and any other terms and conditions not contrary to this by-law;
4. "livery vehicle" means a vehicle licensed under Schedule 4a of this by-law.
(new)
5. "owner" includes the owner of a vehicle or a purchaser of a vehicle under contract, agreement, understanding or arrangement;
6. "owner's licence" means, as the case may be,
 - (i) a licence taken out by a vehicle owner authorizing the use of the vehicle as a taxi-cab; or
 - (ii) a limited interest licence taken out by a plate user authorizing the use of the vehicle as a taxi-cab;
7. "plate owner" means a person who holds a taxi-cab licence but who has ceased owning the taxi-cab respecting which the licence was issued;
8. "plate user" means an individual owner who enters into a limited interest agreement with a plate owner;
9. "private cab" means a taxi-cab which uses a two-way radio or other form of dispatch to locate passengers, but does not include a public cab; (new)

10. "public cab" means a taxi-cab that operates from a public taxi-cab stand, and is without a two-way radio or other form of radio dispatch to locate passengers not at a public taxi-cab stand; (new)
11. "public taxi-cab stand" means a stand or place on a highway assigned by the City for the purpose of providing a site for the congregation of public taxi-cabs awaiting passengers;
12. "spare vehicle" means a vehicle that can be used as a taxi-cab in substitution of a vehicle in respect of which an owner's licence has been issued, pursuant to the provisions of this by-law;
13. "taxi-cab" means a motor vehicle as defined in the Highway Traffic Act, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip, but does not include a livery vehicle; (new)
14. "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by a person other than the taxi-cab broker, his or her immediate family, or his or her employer;
15. "taxi-cab driver" means a person whose occupation is driving a taxi-cab;
16. "taxi-cab owner" means, as the case may be,
 - (i) a person who is the owner of a taxi-cab; or
 - (ii) a plate user;
 - (iii) a person referred to in clauses (i) or (ii) to whom an owner transfers his or her licence.

PART 1

Administration

- 2.(1) Every person who is and carries on business as,
- (a) a taxi-cab owner;
 - (b) a taxi-cab driver;
 - (c) a taxi-cab broker,

shall obtain from the City a licence authorizing that person to carry on or engage in the trade, calling or business of conveying passengers for hire in a taxi-cab.

(2) No person required to obtain a licence under Subsection (1) shall carry on or engage in the trade, calling or business of conveying passengers for hire in a taxi-cab without a licence.

(3) Where a person is required to obtain a licence under Subsection (1),

(a) a separate licence certificate shall be issued for each licence applied for, and

(b) a separate licence certificate shall be issued for each taxi-cab.

(4) Every licence certificate issued to a taxi-cab owner or a taxi-cab broker shall clearly identify the one vehicle in respect of which the licence was issued to the taxi-cab owner or taxi-cab broker.

(5) Notwithstanding the provisions of this schedule, a taxi-cab owner's licence may be issued for or transferred to a vehicle which has seating for more than six passengers, provided that all other requirements of this schedule are complied with, not limited to but including the requirements for issuance of the licence and operation of the vehicle. (new)

3. Notwithstanding any other provision of this schedule, no taxi-cab owner's licenses shall be issued, except for renewals or transfers approved, until Council authorizes the issuance of the licenses for that year. (new)

4.(1) Every applicant for a broker's licence, an owner's licence or a driver's licence, or a renewal of the licence shall attend at the office of the Issuer of Licences and make and file an application in person and not by an agent or representative.

(2) Where a taxi-cab is owned by,

(a) a partnership, a partner shall attend for the purpose of subsection (3);

(b) a limited company, the chief operating officer of the company shall attend for the purpose of subsection (3).

(3) Every applicant for an owner's licence shall fully complete an application on FORM 1 hereto annexed as Schedule "A".

(4) Every applicant for a driver's licence shall fully complete an application on FORM 2 hereto annexed as Schedule "B".

(5) No application shall be accepted as made and filed unless shown therein are,

(a) the approval of the taxi-cab owner, and

(b) the approval of the taxi-cab broker as to whose place of business that taxi-cab is located.

(6) Every applicant for a licence as a taxi-cab driver shall, in addition to any other information required under this Schedule, with every application and renewal of application,

(a) provide for inspection by the Issuer of Licences, a Class G licence issued under The Highway Traffic Act; and

(b) sit for a photograph to be taken by the Licence Administrator at the expense of the applicant.

5.(1) Every applicant for a licence shall, before a licence is issued, undertake and successfully complete one or more written tests pertaining to his or her knowledge of,

(a) the operation of a taxi-cab, and of this by-law, as it relates to taxi-cabs and livery vehicles;

(b) the laws and regulations pertaining to traffic and motor vehicles;

(c) the relationship between taxi-cab drivers and livery vehicle drivers in respect of passengers including duties, behaviours, appearance, decorum;

(d) the use of the equipment part of taxi-cabs including two-way radio, taximeter, and roof lights;

(e) the use of trip sheets, making damage reports and record keeping; and

(f) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides.

(2) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant unless,

(a) the applicant achieves not less than 70% on each test required to be undertaken; and

(b) the applicant has a photo identification taken by the city.

6.(1) Before a licence is issued, the taxi-cab owner or taxi-cab driver may provide a medical certificate on a form supplied by the City signed by a duly qualified medical

practitioner in the Province of Ontario, certifying that the owner or driver of the taxi-cab is physically and mentally fit to drive a taxi-cab.

(2) Every taxi-cab owner and taxi-cab driver shall provide a certificate of the Medical Officer of Health of the City as to the health of the owner or driver from time to time as the City may require by notice in writing delivered by first class mail to the owner or driver at his business address or place of residence.

7. Every taxi-cab broker, taxi-cab owner and taxi-cab driver shall be at least eighteen years of age.

8. Every taxi-cab broker, taxi-cab owner and taxi-cab driver shall notify the Issuer of Licences within 7 days of a change of address and produce his or her licence for that change of address to be entered.

9.(1) No transfer of an owner's licence certificate from a taxi-cab owner to a purchaser of the licence shall be approved unless,

(a) the purchaser makes and files an application on FORM 3, hereto annexed as Schedule "C", and pays the transfer fee;

(b) the purchaser files a statutory declaration at the time of application that all provisions of this Schedule respecting the condition of the vehicle and requirements thereon under this by-law have been complied with; and

(c) the purchaser files a statutory declaration by the vendor of the vehicle and the purchaser of the taxi-cab to which is attached an executed copy of the agreement of purchase and sale showing full financial details of the transaction, and any other details as requested by the Licence Administrator.

(2) Nothing in subsection (1) shall obligate the City to approve the transfer of the licence.

10. No licensee who is the holder of a licence as a taxi-cab owner shall enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxi-cab for which the licence was issued, by any other person who is not a licensed taxi-cab driver.

11.(1) No person being the owner of a taxi-cab equipped with a taxi-meter and to whom a licence has been issued shall, without the approval of the Licence Committee, carry on or permit to be carried on the business of conveying passengers for hire in a taxi-cab or permit any person to drive the taxi-cab for hire, where the monetary interest of the person to whom a licence has been issued is less than 50% of the fair market value of the taxi-cab.

(2) For the purpose of subsection (1), "fair market value" is an amount that a licensed taxi-cab equipped with a taxi-meter might be expected to realize if sold in the open market by a willing seller to a willing buyer, but not more than an amount determined by the Licence Committee.

PART 2

Taxi-cab Owners

12. Every taxi-cab owner shall comply with the following regulations:

1. Before acting as a taxi-cab driver,

(a) comply with all the requirements for the issuance of a taxi-cab driver's licence under Section 3, except that payment of the fee for issuance of a driver's licence shall not be required; and

(b) obtain the approval of the Licence Committee, duly endorsed and shown on the owner's licence.

2. Before issuance of an owner's licence, provide the City, in writing, with the following information in respect of every vehicle to be used as a taxi-cab vehicle,

(a) certificate of ownership,

(b) certificate of insurance, and

(c) a current Safety Standard Certificate as issued by the Ministry of Transportation.

3. For each taxi-cab for which the owner holds a licence, and before use of the taxi-cab,

(a) where the taxi-cab is to be used for the carrying of parcels, letters, documents, goods or chattels, obtain a policy or policies of insurance in respect of same;

(b) obtain a policy of insurance in respect of the taxi-cab in an amount not less than \$500,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;

(c) provide a special endorsement to the policy of insurance referred to in clause (a), for passenger hazard in an amount not less than \$500,000.00, exclusive of interest and costs; and

- (d) cause to be endorsed on the policy of insurance referred to in clause (a), that the City shall be given at least ten days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy;
 - (e) deposit a certified true copy of the policy of insurance and all endorsements with the City.
4. Maintain the policy of insurance referred to in regulation 3 of this section in force and effect during the entire period of time for which the licence is issued and in force and effect.
 5. Use or permit to be used a taxi-cab only where prior to its use,
 - (a) the owner has produced a registration issued under the Highway Traffic Act, in respect of the class of motor vehicle to be used as a taxi-cab;
 - (b) the City has been informed of any changes in the motor vehicle registration;
 - (c) the owner has submitted the motor vehicle to the City for inspection and approval and has obtained authorization for the vehicle to be used; and
 - (d) the taxi-cab is equipped with a two-way radio where the taxi-cab owner is the plate user.
 6. Subject to The Highway Traffic Act, not use or permit to be used any taxi-cab that does not have affixed to the vehicle,
 - (a) a City of Hamilton licence plate having an identity number and clear indication that the taxi-cab is licensed for use in the taxi-cab business as either a public taxi-cab or a private taxi-cab; or
 - (b) a duplicate licence plate, as may be supplied by the City at the expense of the owner of a taxi-cab where the original licence plate has been lost, defaced or destroyed.
 7. Affix to the back of each taxi-cab in a manner and in a position approved by the City any taxi-cab licence plate issued by the City and maintain the licence plate only in the approved position during the period for which the licence is in force and effect.
 8. Affix a taxi-cab licence plate to a spare vehicle registered under Part 5 of this Schedule only with the consent of the City and in accordance with the provisions of Part 5 of this Schedule.

9. Affix to both sides of the exterior of every vehicle a number, in sequence designated by the City, which is,

- (a) not less than six inches in height;
- (b) in contrasting colours to the colour of the vehicle; and
- (c) affixed in a location approved by the City.

10. Permanently and securely affix on top of the taxi-cab an illuminated sign approved by the City and connected to the taximeter,

- (a) indicating the word "taxi"; or
- (b) indicating the name and telephone number of the licensed owner of the taxi-cab, or the taxi-cab broker with whom the taxi-cab is associated.

11. Equip each taxi-cab with a taxi-meter, for the calculation and display of the costs of a trip, capable of meeting the requirements of paragraph 12 below. (new)

12. Cause each taxi-meter to be,

- (a) submitted for the testing, inspection and sealing by such person as the Chief Licence Inspector designates and at such times and locations as designated;
- (b) illuminated between sunset and sunrise;
- (c) in a raised position, such that the charges are plainly visible to, and readable by, all passengers;
- (d) adjusted in accordance with the rates prescribed by PART 12 of this Schedule;
- (e) tested and approved by the Chief Licence Inspector, by running the taxi-cab to which it is attached over a measured track, route, or distance, or by suitable mechanical means, before being sealed;
- (f) used only when the seal thereon is intact;
- (g) kept in good working condition at all times and not used when defective in any way;
- (h) numbered and not used until approved by the Chief Licence Inspector or other person designated by the City;

(i) used only if the taxi-meter is connected with the electric sign referred to in Regulation 11 of this section in such a manner that the sign is lighted when the taxi-meter is extinguished and not operating when the taxi-meter is operating.

(90-357)

13. Affix and maintain affixed an approved tariff card, containing rates in accordance with those set out in PART 12 of this Schedule, and specifying goods and services tax, in a place in the taxi-cab in such a manner that the tariff of charges is plainly visible to, and readable by, all passengers.

(90-357)

14. Cause a taxi-cab to be submitted for inspections from time to time by such person and at such times and places as the City may designate.

15. Make such improvements or repairs to the taxi-cab, its equipment or any component thereof as may be required by the City and within such time period specified by the City, to such standards as may be approved by the Licence Committee.

16. Immediately check for mechanical defects in the taxi-cab reported by a driver.

17. Not operate or permit to be operated as a taxi-cab any vehicle not in good mechanical condition.

18. Not operate or permit to be operated as a taxi-cab any vehicle unless a Motor Vehicle Safety Certificate on a form and in a manner approved by the Province of Ontario has been filed with the City in a manner and frequency approved by the Licence Committee.

19. Display or permit to be displayed, no advertisement, whether a sign, picture or painted message, on or in the taxi-cab except,

(1) Not more than five interior advertising signs, each not exceeding 26 centimetres by 31 centimetres in size, placed on the back of the front seat in such a way as to not obscure the vision of the driver, or the view from the rear seat of the vehicle of the photo identity card, meter, licence and tariff card; and;

(2) One rooftop mounted sign with interior illumination, provided that;

(a) the sign does not exceed 122 centimetres in length, 79 centimetres in width, and 46 centimetres in height,

(b) the sign is securely mounted to the vehicle, so that the sign and any advertising materials exhibited are unlikely to loosen or separate from the vehicle during operation,

(c) if the said rooftop sign obstructs or replaces any taxi roof sign required under paragraph 10 of section 12 of this Schedule, the vehicle shall have visible, from the front and rear of the vehicle, a rooftop sign with the same operation and content as that required under the said paragraph 10, indicating the name, number and owner of the taxi-cab, or its brokerage, and

(d) further provided that upon the addition of the rooftop sign to the vehicle, any exterior advertisement, except those for the taxi-brokerage but including the type mentioned in sub-paragraph (3), must be removed the sooner of when the vehicle is repainted, replaced, or the second anniversary of the date of passage of this by-law.

(3) One exterior painted advertisement measuring not more than 16 centimetres by 92 centimetres in size, provided that said advertisement is painted on the rear end of the vehicle and does not cover the licence plates, unless the rooftop sign permitted in sub-paragraph (2) above is added to the vehicle, in which case clause (d) above applies to the removal of the advertisement.

(90-338)

20. Not employ or permit any person other than a licensed taxi-cab driver employed by the taxi-cab owner to operate his or her taxi-cab.

21. At the request of a taxi-cab driver, give to the driver at the expiry of the driver's work shift a receipt showing the amount turned over to the owner by the driver.

22. Maintain a trip record on FORM 5 hereto annexed as Schedule "E" or a reasonable facsimile thereof of every trip, for a period of not less than three months or for such longer period as may otherwise be specified by the City by notice in writing, upon which each of the taxi-cabs is dispatched.

23. Permit the City or any person authorized by the City to remove the records referred to in regulation 22 for the purpose of inspection.

PART 3

Limited Interest Agreements

13.(1) Notwithstanding any provision of this Schedule, a plate owner may continue to hold a licence issued to that person as owner of a taxi-cab.

(2) A plate owner may enter into a limited interest agreement for use of the vehicle as a taxi-cab.

(3) No agreement except a limited interest agreement shall establish the eligibility of a plate user for a limited interest owner's licence.

(4) No plate owner shall transfer directly or indirectly or purport to transfer any limited interest in a taxi-cab owners licence to any person other than a plate user.

(5) No plate user shall transfer the whole or any part of a limited interest owner's licence to any other person and any such direct or indirect transfer is null and void.

14.(1) Every person who seeks to be a plate user shall complete the limited interest agreement on FORM 4 hereto annexed as Schedule "D", along with the plate owner.

(2) No more than two limited interest agreement shall be entered into by a plate owner in respect of the licence issued to the plate owner and any transfer of more than two limited interest agreement in the licence is null and void.

(3) Every limited interest agreement shall be filed with the Issuer of Licences prior to any transfer or rights to the plates and at least seven days before the date on which the limited interest agreement comes into force, whichever is first.

(4) No application for a limited interest owner's licence shall be accepted unless the limited interest agreement on FORM 4 hereto annexed as Schedule "D" is fully completed and duly executed and witnessed.

(5) Where a limited interest agreement referred to in Section 13(2) is for a period in excess of one year, the plate user shall file with the City within seven days of the date on which the yearly period ends,

(a) a notice in writing satisfactory to the Issuer of Licences that the agreement is in full force and effect and has not been revised, amended, altered or changed in any way; or

(b) a copy of the revised, amended, altered or changed agreement.

15. Every limited interest agreement shall include the following information set out in a manner and in a form satisfactory to the Issuer of Licences:

1. The name and business address of the plate owner and plate user.
2. The make, model, serial number, year of taxi-cab and full description of all equipment appurtenant thereto and serial numbers, if any.
3. The motor vehicle permit plate number issued under The Highway Traffic Act.
4. The City of Hamilton taxi-cab licence number and year.
5. The date on which the plate owner was issued the licence proposed to be the subject of the limited interest agreement.
6. That the plate user is the sole owner in his or her right of the taxi-cab.
7. The plate user is the holder of a current motor vehicle permit issued under The Highway Traffic Act.
8. Full particulars of all consideration given by each party to the limited interest agreement, in money or in any other kind, direct or indirect including fees or rental, and a breakdown of all other amounts given by the plate user to the plate owner, together with a list of all services, rights or other consideration given to the plate user by the plate owner in return therefor.
9. Full particulars as to the responsibility of each of the parties for the maintenance, repairs, gas and oil for the taxi-cab, and any requirements as to where and how such maintenance, repairs or purchases are to be made and as to payment therefor.
10. A term to the effect that where the plate user transfers or purports to transfer the limited interest, that the limited interest agreement is immediately terminated on a date fixed by the plate owner.
11. Date of termination of the limited interest agreement and in the case of a periodic limited interest agreement, particulars as to whether the agreement is on a daily, weekly, monthly, yearly or other basis.
12. Date on which the limited interest agreement comes into force and date of execution by the parties and date the agreement is witnessed.

16. The amount of consideration in the limited interest agreement upon approval by the Licence Committee shall be deemed to be full and fair, and no additional consideration shall be required, directly or indirectly, from the plate user.

17.(1) Every limited interest agreement and every written agreement referred to in Section 14(5), shall expire upon the sale or other disposition of the taxi-cab by the plate user.

(2) A limited interest licence taken out by a taxi-cab owner shall expire on the date the plate user ceases using the vehicle as a taxi-cab or otherwise transfers ownership in the vehicle to another person.

(3) When a limited interest agreement is for a term of more than seven days, the limited interest agreement may be terminated upon seven days notice in writing to the other party and to the City.

(4) Every plate owner and every plate user shall notify the Issuer of Licences in writing, of the expiration or termination of the limited interest agreement not later than seven days after the date of expiration or termination and include in the notice the following information:

1. The proposed use of the taxi-cab, if any.
2. The name and address of any other proposed plate user of the taxi-cab.
3. The identify of the person having custody and control of the taxi-cab after the date of expiration or termination.

PART 4

Taxi-cab Drivers

18. Every taxi-cab driver shall comply with the following regulations:

1. Not drive a taxi-cab unless a valid taxi-cab driver's licence has been issued to him or her.
2. Operate a taxi-cab only if the taxi-cab is,
 - (a) in clean condition as to its interior and exterior;
 - (b) in good repair as to its interior and exterior;
 - (c) dry as to its interior;

- (d) free from mechanical defects;
 - (e) in fit condition for the purpose for which the vehicle is used; and
 - (f) in safe driving condition.
3. Examine the taxi-cab for any defects,
 - (a) immediately before the taxi-cab is to be driven for a shift; and
 - (b) immediately after the taxi-cab has been driven during a shift.
 4. Not drive a taxi-cab unless the taxi licence plate issued by the City is affixed, as required by this Schedule, to the taxi-cab for which it was issued.
 5. Subject to Part 5, not drive a spare vehicle as a taxi-cab without a taxi licence plate affixed to it in a manner and location approved by the City.
 6. Carry his or her taxi-cab driver's licence with him or her at all times while operating the taxi-cab.
 7. Immediately produce for inspection, the taxi-cab driver's licence and the Province of Ontario driver's licence upon request to do so by a by-law enforcement officer or police officer.
 8. Operate only from a public taxi-cab stand, where the taxi-cab is a public taxi-cab.
 9. Not drive a taxi-cab with luggage or other material piled or placed in a manner that obstructs the view of the taxi-cab driver.
 10. Not carry in a taxi-cab used for hire a greater number of occupants or persons than the manufacturer's rating of seating capacity of such taxi-cab, inclusive of the driver.
 11. Affix and maintain affixed when driving a taxi-cab a photo identity card in a place in the taxi-cab approved by the Licence Committee and in such a manner that the photograph and name are plainly visible and readable by a passenger in the back seat.
 12. Not drive a taxi-cab unless an illuminated sign as required by this Schedule, is displayed on the roof.

13. Not drive a taxi-cab unless the City's current licence number is displayed as required by this Schedule.
14. Not drive the taxi-cab unless the taxi-meter is installed and in proper working condition and is illuminated and sealed.
15. Not wash or clean the taxi-cab while upon a public taxi-cab stand.
16. Not make repairs to the taxi-cab while upon a public taxi-cab stand unless the repairs are immediately required to render the taxi-cab operable.
17. While in charge of a taxi-cab,
 - (a) maintain his or her person in a neat and clean appearance; and
 - (b) be civil, well-behaved and polite in manner.
18. While in charge of a taxi-cab at a public taxi-cab stand,
 - (a) stand or sit sufficiently close to the taxi-cab so as to have it under constant close observation;
 - (b) not obstruct the use of the sidewalk; and
 - (c) not make any loud noise or disturbance.
19. Not induce any person to employ the taxi-cab,
 - (a) by knowingly misleading or deceiving such person as to the location or distance of any place; or
 - (b) by making any false representation to such person.
20. Not take on any additional passengers after the taxi-cab has departed with one or more passengers from a starting point except where,
 - (a) the taxi-cab is being used for the transportation of students to or from school,
 - (b) the taxi-cab driver has obtained the voluntary consent of the passengers already in the taxi-cab, or
 - (c) an emergency condition exists and has been declared such by the Chief of Police.

21. Not refuse to serve the first person requesting service of the taxi-cab, except where the person,

- (a) owes the taxi-cab driver for a previous fare or service;
- (b) refuses to disclose his or her final destination before or immediately after entering the taxi-cab;
- (c) asks to be driven to any place that the taxi-cab driver considers on reasonable grounds to be unsafe;
- (d) is obnoxious or abusive, or acts or uses language in a manner which reasonably leads the taxi-cab driver to anticipate,
 - (i) obnoxious behaviour,
 - (ii) refusal to pay all or part of the fare, or
 - (iii) physical injury to the taxi-cab driver or the taxi-cab.

22. Not refuse to serve any person other than the first person requesting service of the taxi-cab, except where the taxi-cab driver,

- (a) has previously arranged for an engagement, and
- (b) upon demand by a Licence Inspector or a Police Constable, gives the name and address of the person by whom he is so engaged and the time and place of such engagement.

23. Immediately record, as the taxi-cab driver, the reason for not serving any person requesting service of the taxi-cab.

24. Keep a daily record, called a "trip record", on FORM 5 hereto annexed as Schedule "E" to record all trips made by the taxi-cab.

25. Record the following information in the trip record of a taxi-cab:

- (a) the Provincial permit number of the taxi-cab,
- (b) the name, address and identification number of the driver of the taxi-cab;
- (c) the meter reading of the taxi-cab at,
 - (i) the start of each working period, and

(ii) the finish of each working period.

(d) the date, time and location of the beginning and termination of each trip;

(e) the amount of fare collected for each trip.

26. Record the information required by regulation 25(a), (b) and (c)(i), prior to the commencement of every shift.

27. Record the information required by regulation 25(d) and (e) immediately following the conclusion of every trip and prior to the commencement of the next following trip.

28. While carrying passengers, charge only the exact rate of fare in accordance with PART 12 except where,

(a) the driver and passenger agree before the start of the trip,

(i) to an hourly rate; or

(ii) to a flat rate where the trip extends more than five kilometres beyond the City limits; (90-357)

(b) the taxi-cab is used for the transportation of students to and from school; or

(c) there is a prior contractual agreement to carry parcels or goods.

29. Not publish or use a tariff card other than the tariff card supplied by the City.

30. Charge or collect only one fare, calculated in accordance with Part 12, even when transporting two or more passengers.

30a. Paragraph 30 above shall not prevent the collection of the fare calculated in accordance with Part 12 in proportions from passengers where they have agreed amongst themselves to split the costs of the trip. (new)

31. Place the taxi-meter in a recording position only when a passenger first enters the taxi-cab, or while waiting for a passenger who has previously engaged a taxi-cab.

32. Place the taxi-meter in a non-recording position when,

(a) the passenger discharges the taxi-cab; or

(b) the taxi-cab arrives at its destination for the purpose of discharging the passenger.

33. While conveying passengers, keep and maintain the taxi-meter in a recording position throughout a trip within the city limits and within five kilometres therefrom. **(90-357)**

34. Take the shortest possible route to the destination specified by the passenger unless the passenger specifies another route.

35. Not charge a passenger for any fare for a trip,

(a) in a taxi-cab during any time the taxi-meter is not in a recording position; or

(b) where the taxi-cab driver refuses to show the tariff card to the passenger.

36. Not make any charge for time lost for any of the following reasons:

(a) Defect in the taxi-cab.

(b) Inefficiency or disrepair of the taxi-cab.

(c) Incompetence of the driver of the taxi-cab.

(d) Time consumed by arrival of the taxi-cab in response to a call in advance of the time such has been requested by the person calling for the taxi-cab.

37. Give a passenger a receipt showing the names of the passenger and the taxi-cab driver, and including his or her identification number, taxi-cab number, place of engagement and destination or place where the passenger exits from the taxi-cab,

(a) upon request by the passenger; or

(b) where there is a dispute with a passenger over the fare.

38. Immediately upon termination of any hiring or other engagement,

(a) search the taxi-cab for any property lost or left therein; and

(b) deliver any lost or left property over to the owner of same; or

(c) deliver the lost or left property to the taxi-cab broker; or

(d) where the owner cannot be found, deliver the lost or left property to the licence authority with any and all relevant information concerning the property.

39. Upon entering a taxi-cab stand, take the taxi-cab into position at the end of the line formed by taxi-cabs already on the taxi-cab stand.

40. Not permit, while in charge of a taxi-cab, any person other than the owner or an employee of the owner of the taxi-cab, to drive the taxi-cab.

41. At the conclusion of every trip,

(a) call the passenger's attention to the fare registered on the taxi-meter of a taxi-cab; and

(b) place the taxi-meter in the taxi-cab in a non-recording position.

42. Immediately report to the owner of the taxi-cab,

(a) any defect of which the taxi-cab driver is or becomes aware;

(b) any accident in which the taxi-cab driver was involved while operating the taxi-cab;

(c) any enforcement tickets or summons issued to the taxi-cab driver by an enforcement officer for violations occurring during that shift.

43. At the expiry of every work shift or work period, turn over to the employer of the taxi-cab driver,

(a) all monies received by the taxi-cab driver as fares, but not including any amount due to the driver as commission where previously agreed by the employer,

(b) the trip record no later than one hour after the end of his shift;

(c) any taxi-cab used by the taxi-cab driver during the shift or work period.

PART 5

Spare Vehicles

19.(1) The owner of one or more spare vehicles may, with approval of the City, register the vehicles with the City for use as a spare vehicle.

(2) Every taxi-cab owner of a spare vehicle that is used to substitute for a taxi-cab in respect of which an owner's licence has been issued, shall comply with the following regulations:

1. Affix to both sides of the exterior of every spare vehicle a number, in sequence designated by the City, which is,
 - (a) not less than six inches in height; and
 - (b) in contrasting colours to the colour of the vehicle; and
 - (c) affixed in a location approved by the City.
2. Affix the taxi plate issued by the city in respect of the taxi-cab being replaced to the spare vehicle in a manner and location approved by the City.
3. Comply with all other provisions of this Schedule applicable to a taxi-cab owner.

(3) Every driver of a spare vehicle that is used to substitute for a taxi-cab in respect of which an owner's licence has been issued, shall comply with the provisions of this Schedule applicable to a taxi-cab driver.

PART 6

Priority List

20.(1) Subject to Subsections (2) and (3), where an application has been made by an individual for an owner's licence that is not a renewal of a licence, and the applicant otherwise complies with the applicable provisions of this Schedule, his or her name and address shall, upon approval of the application by the Licence Committee and payment of application fee, be entered on a list entitled "Taxi-cab Priority List", which list was originally approved by Council on July 25, 1989.

(2)(a) No applicant's name shall be entered on the Taxi-cab Priority List that is not an individual.

(b) No applicant's name shall be entered on the Taxi-cab Priority List where the applicant has previously been issued one or more taxi-cab owner's licence by the City of Hamilton from the Taxi-cab Priority List.

(3)(a) No applicant's name shall be entered more than once on the Taxi-cab Priority List.

(b) Where an applicant's name appears more than once on the Taxi-cab Priority List, the name that is recorded at the highest position on the priority list shall be maintained on the list, and all duplicate names shall be deleted from the list.

(4) Notwithstanding subsection (1), the Licence Committee may,

(a) delete names of applicants from; or

(b) add names of applicants in order of the date of application to, the Taxi-cab Priority List.

21.(1) Where an owner's licence has been issued or denied to an applicant whose name appears on the Priority List, the applicant's name shall be deleted from the list.

(2) Only one licence shall be issued to an applicant for a taxi owner's licence from the Taxi-cab Priority List.

(3) Subsection (2) shall not apply to any applicant whose name is recorded on the Taxi-Cab Priority List as approved by the Council of The Corporation of the City of Hamilton on July 25, 1989.

22. Where an applicant's name has been entered upon the Taxi-cab Priority List he or she shall lodge with the Licence Administrator proof of compliance with paragraphs 3 and 5 of section 12 of this Schedule, within 14 days of notification by the Licence Administrator that an owner's licence may be issued to the applicant. (89-316)

23.(1) Notwithstanding any other provision of this Schedule, where an application is made to have a name entered on the Taxi-cab Priority List, the application shall not be approved and the applicant's name shall not be entered on the Taxi-cab Priority List unless the applicant complies with the following regulations:

1. The applicant shall file with the Licence Administrator, as part of the application on FORM 1 annexed hereto as Schedule "A",

(a) a statutory declaration on FORM 1 that he or she is presently and actively engaged full-time in the City of Hamilton taxi-cab industry as,

(i) a taxi-cab owner,

(ii) a licensed taxi-cab driver,

(iii) a taxi-cab dispatcher, or

(iv) a taxi-cab telephone service operator,

for a period of not less than one (1) full year immediately preceding the date of the application for entry on the Taxi-cab Priority List, and

(b) either,

(i) a certified true copy by Revenue Canada of income tax returns for the calendar year immediately preceding the date of the application, and/or

(ii) any one of, or any combination of, the following in respect of the one year immediately preceding the date of the application,

1. certified copy of record of employment,

2. statement(s) of insurable earnings as issued by the Unemployment Insurance Commission,

3. statement(s) of contributions to the Canada Pension Plan as issued by Revenue Canada,

4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,

5. original trip records, or

6. such other or equivalent documentation as the Licensing Committee may accept.

(2)(a) For the purposes of Subsection 23(1)1.(a)(ii),

(i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 12 consecutive hours;

(b) for the purposes of Subsection 23(1)1.(a)(iii) and (iv),

(i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 8 consecutive hours.

(89-316)

24.(1) Applications for renewal of a name that has been entered on the Priority List must be filed annually with the Licence Administrator, no later than the 30th day of September. (89-316)

(2) Applications under Subsection (1) must be accompanied by the annual renewal fee as prescribed in Part II.

(3) Nothing in Subsections (1) and (2) shall obligate the City to issue a taxi-cab owner's licence to the applicant when his or her name comes to the top of the Taxi-Cab Priority List.

(4) Where an applicant under this Section fails to meet the requirements of this Section, his or her name shall be deleted from the Taxi-Cab Priority List.

25.(1) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant whose name has been entered on the taxi-cab Priority List unless the applicant complies with the following regulations:

1. The applicant shall file with the Licence Administrator within 14 days of the date of notice by the Licence Administrator and prior to consideration of the application by the Committee,

(a) a statutory declaration on FORM 1A annexed hereto as Schedule "B" that he or she has actually engaged in operating a taxi-cab full-time in the City as,

- (i) a taxi-cab owner,
- (ii) a licensed taxi-cab driver,
- (iii) a taxi-cab dispatcher, or
- (iv) a taxi-cab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licence Committee; and

(b) either,

- (i) a certified true copy by Revenue Canada of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licence Committee; and/or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licence Committee:

1. certified copy of record of employment,
2. statement(s) of insurable earnings as issued by the Unemployment Insurance Commission,
3. statement(s) of contributions to the Canada Pension Plan as issued by Revenue Canada,
4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,
5. original trip records, or
6. such other or equivalent documentation as the Licensing Committee may accept.

(2)(a) For the purposes of subsection 25(1)1.(a)(ii),

- (i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;
- (ii) "shift" shall mean a period of not less than 12 consecutive hours;

(b) for the purposes of subsection 25(1)1.(a)(iii) and (iv),

- (i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;
- (ii) "shift" shall mean a period of not less than 8 consecutive hours.

(3) Where an applicant does not comply with the requirements of Subsections (1) and (2), his or her name shall be deleted from the Taxi-cab Priority List and no licence shall be issued to that applicant. (89-316)

(4) (REPEALED)

(5) (REPEALED)

26.(1) Notwithstanding Section 25, where an applicant under Section 25 is unable to meet the requirements of Subsection (1) of that section for medical reasons only, the applicant may file in lieu thereof a statutory declaration that he or she has actually engaged in operating a taxi-cab full time in the City as,

- (i) a taxi-cab owner,
- (ii) a licensed taxi-cab driver,
- (iii) a taxi-cab dispatcher, or
- (iv) a taxi-cab telephone service operator,

for a period of not less than two (2) consecutive years immediately preceding the onset of the medical disability.

(2)(a) Where an applicant elects to file a declaration under Subsection (1), on or before the date of consideration of the application by the Licence Committee, the applicant shall provide evidence, to the satisfaction of the Licence Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice.

(b) In addition to the requirements of Subsection (2)(a), an applicant under Subsection (1) shall submit to a medical examination by a medical practitioner selected by the Licence Committee and The Regional Municipality of Hamilton-Wentworth Human Resources Department.

(3) Nothing in this Section shall operate to relieve an applicant from any other applicable conditions or requirements of this Schedule.

(4) Where an applicant under this section fails to meet the requirements of this Section or the requirements of Section 25, as the case may be, his or her name shall be deleted from the Taxi-Cab Priority List and no licence shall be issued to that applicant.

27. Where an applicant is not the holder of a licence as a taxi-cab owner under this Schedule, a licence issued to the applicant from the Priority List shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of issuance of the licence from the Priority List to the applicant. (89-316)

28. Where the applicant is the holder of one or more licences as a taxi-cab owner under this Schedule, and one or more additional owner's licences are subsequently issued to the applicant from the Priority List, any previously issued owner's licence including the owner's licence issued from the Priority List shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of issuance of the most recent licence from the Priority List, unless the most recently issued licence from the Priority List is surrendered to the Licence Committee for cancellation. (89-316)

PART 7

Passengers

29. No person employing a taxi-cab shall refuse, upon demand, to pay the fare or charge authorized by this Schedule.

PART 8

Soliciting Business

30. No owner or driver of a taxi-cab shall loiter or solicit business in any street, alley or other public place, except when,

(a) waiting for a person who has engaged him or her; or

(b) parking in a designated public taxi-cab stand; or

(c) parking in an signed area where parking is permitted for motor vehicles under City of Hamilton Traffic By-laws.

PART 9

Promotional Schemes

31. No taxi-cab broker, taxi-cab owner or taxi-cab driver shall participate or acquiesce in any promotional scheme whose object or goal is to directly or indirectly subsidize the rates or fares prescribed in this Schedule, without the written consent of the Licence Committee.

PART 10

Taxi-cab Brokers

32.(1) Every taxi-cab broker shall comply with the following regulations:

1. Provide and maintain a business office in the City for the carrying on of his business.

2. Keep and maintain the business office in an orderly, clean and neat condition free at all times from debris and waste of any kind.

3. Keep and maintain the business office free at all times from drivers or other persons not immediately engaged in any business or whose presence may disrupt the orderly carrying on of business.

4. Provide and maintain communication facilities necessary to receive and transmit requests for taxi-cab service in proper working order.

5. Provide and maintain off-street parking for every taxi-cab that is available to respond to calls.

6. Furnish a list in writing to the Licence Administrator,

(i) of taxi-cab owners from whom he or she proposes to accept calls, and

(ii) of any changes on the list within two days of the change.

7. Accept calls for only those owners whose name appears on the list referred to in Regulation 6.

8. Keep and maintain a trip record on FORM 5 hereto annexed as Schedule "E", or a reasonable facsimile thereof, showing the number of the owner's licence which covers the taxi-cab used, the date and time of dispatch, and the point of beginning of each trip, for a period of six months from the date of the first trip of the record.

9. Make the trip record required by regulation 8 available for inspection by the Chief Licence Inspector or a Licence Inspector.

10. Notify the Issuer of Licences in writing at the beginning of each calendar year of the names of persons authorized to sign driver application forms on behalf of the taxi-cab broker.

(2) No taxi-cab broker shall dispatch a call for the conveyance of passengers for hire to a driver of a livery vehicle licensed under Schedule 4a.

(3) Subsection (2) shall not apply where the dispatch is to the holder of a Class B livery vehicle licence for the conveyance of disabled persons.

PART 11

Licence and Filing Fees

33. The amount of fees for matters under this Schedule shall be as follows:

- (a) For initial application for entitlement to entry on the priority list . . \$ 56.00;
- (b) To annual renewal entitlement to entry on the priority list \$ 56.00;
- (c) For the first issuance of a private taxi-cab licence from the
Taxi-cab Priority List \$3,308.00;
- (d) For the yearly renewal of a private taxi-cab licence \$ 193.00;
- (e) For each transfer of a private taxi-cab licence \$ 635.00;
- (f) For the yearly renewal of a public taxi-cab licence \$ 318.00;
- (g) For each transfer of a public taxi-cab licence \$ 635.00;
- (h) For the first issuance of a taxi-cab broker's licence \$ 380.00;
- (i) For the yearly renewal of a taxi-cab broker's licence \$ 254.00;
- (j) For the issuance of a taxi-cab driver's licence \$ 28.00;
- (k) For filing copy of a limited interest agreement in respect of the
first car \$ 56.00;
- (l) For the yearly renewal of the initial limited interest agreement in
respect of the same first car \$ 56.00;
- (m) For filing copy of a limited interest agreement in respect of
any additional car \$ 193.00;
- (n) For the yearly renewal of a limited interest agreement in respect
of any additional car \$ 193.00;
- (o) For filing a copy of a notice or an agreement under section 14(5) \$ 27.00.

(92-007)

PART 12

Rates or Fares To Be Charged

34. A taxi-cab owner or taxi-cab driver shall charge for the conveyance of passengers, not including goods and services tax, either wholly within the City or to any point not more than five kilometres beyond its limit, only the rates or fares as follows:

1. Under agreement with the passenger,

(i) for each hour. \$30.00;

2. For one or more passengers,

(i) for the first 1/10 of a kilometre or part thereof \$ 2.00;

(ii) for each additional 1/10 of a kilometre or part thereof . . . \$ 0.10;

(iii) for waiting after engagement, for each 20 seconds or part thereof after the first 20 seconds \$ 0.10;

(iv) notwithstanding subparagraphs (i), (ii) and (iii), for each engagement, a minimum charge of \$ 2.00;

(v) for loading and unloading groceries, luggage or other goods and chattels, for each 20 seconds or part thereof calculated after the first 20 seconds from the time the meter is turned on,

(a) at the commencement of the loading until completion of the loading \$ 0.10;

(b) at the commencement of the unloading until completion of the unloading \$ 0.10.

35. A meter may be so designed and adjusted that the fare shall be computed for time as well as distance, not including the goods and services tax, at 10 cents for each 20 seconds as above indicated, from the time or place when the passenger entered the taxi-cab, or from the first 20 seconds of waiting for the passenger as above indicated to the time or place at which the passenger discharged the cab, and the time for which the fare is chargeable shall include all unavoidable delays or stops.

35a.(1) The meter in a taxi-cab may be so adjusted, that goods and services tax is added to the total fare chargeable for a trip calculated under this part and mathematically rounded to the nearest tenth of a dollar, but calculation of the fare shall commence with a charge of \$2.15 including the said tax for either the minimum charge as set out in paragraph (iv) of subsection 2 of section 34, or for the first tenth of a kilometre or part thereof, as set out in paragraph (ii) of subsection 2 of section 34, as may be applicable to the trip.

(2) For the purpose of this Schedule, "goods and services tax" shall mean the tax imposed by Goods and Services Tax Legislation on taxi fares at the rate so imposed from time to time.

36.(1) Rates or fares mentioned in Section 34 shall be reduced by 10% for persons issued an Ontario Senior Citizens Privilege Card issued by the Provincial Ministry of Community and Social Services, where all passengers travelling in a taxi-cab are holders of said card.

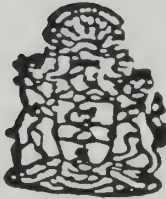
(2) Every reduction in rates or fares referred to in subsection (1), shall be calculated to the highest full dollar registered on the taxi-meter or the minimum charge referred to in subparagraph (iv) of paragraph 2 of Section 34, whichever is higher.

37. Schedules A (from by-law 89-316), B, C, D and E hereto annexed are included in and form part of this Schedule.

To

By-law No.

FORM 1



THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

APPLICATION FOR CAB OWNER LICENCE

(Please Print)

NAME

SURNAME

CHRISTIAN OR GIVEN NAMES

ADDRESS

NAME AND ADDRESS OF BROKER YOU WILL BE ASSOCIATED WITH IF GRANTED A LICENCE

HAVE YOU TRANSFERRED A CAB OWNER'S LICENCE TO ANOTHER PERSON DURING THE PAST TWO YEARS?

PLEASE LIST ALL EMPLOYERS WITHIN THE CAB INDUSTRY FOR WHICH YOU HAVE WORKED SINCE INCLUDING DATES OF EMPLOYMENT.

ARE YOU PRESENTLY EMPLOYED OTHER THAN IN THE TAXI CAB INDUSTRY?

NAME OF EMPLOYER

IS THE EMPLOYMENT FULL TIME OR PART TIME?

DO YOU INTEND TO WORK IN THE TAXI CAB INDUSTRY FULL TIME?

I acknowledge that I have read the terms and conditions as set forth on the reverse side of this application and agree to accept a licence subject to these terms and conditions and I hereby certify the above information to be true to the best of my knowledge.

SIGNED

DATE:

A Commissioner For Taking Oaths, Etc.

DAY

MONTH

YEAR

2. I understand that the conditions on which you issue such licences are as set out below:

- (a) that the applicant has actually engaged in operating a taxicab full-time in the City as an owner or driver or dispatcher for a period of at least two years immediately prior to the date of consideration of the application by the Licence Committee.
- (b) that the applicant has not granted, assigned, conveyed, transferred or otherwise passed on by sale, lease, gift or otherwise the use or possession of any other licence issued to him under this By-law 79-323, as amended, Schedule 4 for a period of at least two consecutive years immediately prior to the date of consideration of the application by the Licence Committee.
- (c) that where an applicant is not the holder of a licence as a taxicab owner under this By-law 79-323, as amended, Schedule 4, a licence issued to the applicant shall not be approved for transfer or transferred for a period of at least five consecutive years from the date of the licence to the applicant.
- (d) that if the recipient of the licence is presently licensed as a cab owner, he not be permitted for five years to transfer any licence presently held by him until he has surrendered the new licence to the City. (See By-law 79-323, as amended, Section 4(22)).
- (e) that no licensee who is the holder of a licence as a taxicab owner shall enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxicab for which the licence was issued, by any other person
- (f) that he must provide a suitable vehicle with the necessary equipment for the taxi industry, plus proof of insurance coverage, within thirty days of the date of approval of the application.
- (g) that he file with the Committee a declaration setting out the financial arrangements pertaining to the purchase of the vehicle and equipment.
- (h) the licence shall remain the property of the Corporation of the City of Hamilton and if the recipient fails to abide by any of the aforementioned terms, the licence shall be revoked by the City.

NOTE:

In addition to the foregoing policy all individuals who are presently on the "priority list" (as well as any other individual) may apply for one of these licences but it shall remain the prerogative of the City of Hamilton Licence Committee to accept or not accept any of all of those on the "priority list". It should also be noted that the "priority list" will be used as an important criteria in the selection of the successful applicants.

Schedule "B"
To
By-law No.
FORM 2

APPLICATION FORM
TAXICAB DRIVER

SURNAME:..... CHRISTIAN NAMES:.....
SOCIAL INSURANCE NUMBER:.....DATE OF BIRTH.....
PRESENT
MARITAL STATUS.....NO. OF CHILDREN:..... TELEPHONE No:.....
DRIVERS LICENCE NUMBER..... CLASS:.....
DRIVERS LICENCE EXPIRY DATE:.....NUMBER OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF A DRIVING OFFENCE: YES:_____ NO:_____
IF YES, EXPLAIN: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE: YES:_____ NO:_____
IF YES, EXPLAIN: _____

HAVE YOU HAD AN ACCIDENT IN LAST THREE YEARS: YES:_____ NO:_____
IF YES, EXPLAIN: _____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

****INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID****

I certify the above information to be true to the best of my knowledge

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO: _____

Schedule "C"
To
By-law No.
FORM 3



E. A. SIMPSON
CITY CLERK
K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L6N 3T4

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TRANSFER OF TAXI CAB PLATES

IN THE MATTER OF THE TRANSFER OF TAXICAB PLATE NUMBER _____ FROM
_____ TO _____

I, _____, THE PRESENT OWNER OF TAXICAB PLATE
NUMBER _____, HEREBY AGREE TO SELL SAID PLATE TO _____

I, _____, THE PURCHASER OF TAXICAB PLATE
NUMBER _____, DO SOLEMNLY SWEAR THAT THE TOTAL CONSIDERATION IS
AS FOLLOWS:

GOODWILL	.....		
CAR	.....		
METER	.....		
RADIO	.....		
ROOF SIGN	.....	MAKE	YEAR
TOTAL	.....		

SWORN BEFORE ME AT THE CITY OF
HAMILTON, REGIONAL-MUNICIPALITY
OF HAMILTON-WENTWORTH

THIS _____ DAY _____ MONTH _____ YEAR

.....
(A COMMISSIONER, ETC.)

The Corporation of the City of Hamilton

BY-LAW NO. 88-136

LIMITED INTEREST AGREEMENT

THIS AGREEMENT made on the day of
19 .

B E T W E E N:

Hereinafter called the "PLATE OWNER"
of the First Part

- and -

Hereinafter called the "PLATE USER"
of the Second Part

1. WHEREAS THE PLATE OWNER holds a taxi-cab licence but has ceased owning a taxi-cab respecting which the licence was issued;
2. AND WHEREAS THE PLATE USER is the owner of a taxi-cab but is not the holder of a licence respecting a taxi-cab;
3. AND WHEREAS THE PLATE OWNER and the PLATE USER intend herein to enter into this Agreement (hereinafter referred to as a "limited interest agreement") wherein a licence is transferred temporarily by the PLATE OWNER to the PLATE USER.
4. NOW THEREFORE THIS AGREEMENT WITNESSETH in consideration of the mutual covenants and an agreement hereinafter contained, the PARTIES hereto mutually covenant and agree as follows:

A. PLATE OWNER'S COVENANTS AND AGREEMENTS:

1. An interest in City of Hamilton taxi-cab licence hereinafter referred to is hereby transferred to the PLATE USER for a period commencing on the _____ day of _____, 19____, and ending on the _____ day of _____, 19____.
2. My full and correct name and business address is _____.
3. The City of Hamilton taxi-cab licence number and year of issue is _____.
4. The date on which the licence, which is the subject of this Agreement was issued _____.

5. Full particulars of all consideration given by me, whether in money or in any other kind, direct or indirect, including fees and/or rental _____

_____.
6. List of all services, rights or other considerations, given by me to the PLATE USER _____

_____.
7. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____

_____.
8. Full particulars as to where and how the maintenance, repairs or purchases are to be made and the payments therefor _____

_____.
9. Where the PLATE USER transfers or purports to transfer the limited interest in this Agreement, this Agreement is hereby terminated on the date of the transfer or purported transfer or on the following date _____
_____.

B. PLATE USER'S COVENANTS AND AGREEMENTS.

1. The interest in the City of Hamilton taxi-cab licence hereinbefore referred to and transferred to me by the PLATE OWNER is hereby accepted by me without reservation for a period commencing on the _____ day of _____, 19____.
2. My full and correct name and business address is _____

_____.
3. The make, model, serial number, year and full description of all equipment which is used with the taxi-cab and serial number and year of the equipment, are _____

_____.

4. The motor vehicle permit plate number for the taxi-cab owned by me, issued under THE HIGHWAY TRAFFIC ACT is _____.
 5. I am the sole owner in my own right of the taxi-cab respecting which the PLATE OWNER is transferring to me a limited interest in his licence.
 6. Full particulars of all consideration given by me, whether in money or in kind, direct or indirect, including fees and/or rental _____

_____.
 7. Breakdown of all other amounts given by me to the PLATE OWNER _____

_____.
 8. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____

_____.
 9. Full particulars as to where and how the maintenance, repairs or purchases are to be made and payments therefor _____

_____.
 10. I will take out, before using the taxi-cab, insurance in accordance with regulation 3 of section 13 of Schedule 4 of By-law No. 79-323.
 11. Upon any transfer or purported transfer, directly or indirectly, the limited interest in this Agreement, this Agreement shall be terminated on the date of the transfer or purported transfer or on the date, if any, fixed by the PLATE OWNER.
- C. OTHER TERMS AND CONDITIONS by the Parties hereto set out in SCHEDULE "A" to this AGREEMENT not contrary to By-law No. 79-323.

D. PLATE OWNER'S AND PLATE USER'S JOINT COVENANTS
AND AGREEMENTS:

1. The Agreement herein shall be for a period commencing on the _____ day of _____, 19____ and ending on the _____ day of _____, 19____.
2. This Agreement is made on the following basis -- daily, weekly, monthly, yearly or _____.
3. This Agreement comes into force on the _____ day of _____, 19____.
4. This Agreement shall be deemed to be executed by both Parties hereto and Witnessed on the _____ day of _____, 19____.

IN WITNESS WHEREOF the Parties hereto have affixed their hands and seals

THIS _____ day of _____, 19____.

Witness

PLATE OWNER

Witness

PLATE USER

Note: If insufficient space, please enumerate provision on reverse side of page on which the provision appears and use or add pages and initial and date.

Schedule "E"

To
By-law No.

FORM 5

IT IS MANDATORY TO COMPLETE ALL BUT THE SHADED AREAS

Date		Order		Cob No.	
IN		OUT		TOTAL SALES	
Paid Miles		Miles		Com. %	
In		Out		Goi. Gas	
By		Type		Chgs.	
		Total		Total Exp.	
1					
2					
3					
4					
5					
6					
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100					

DRIVER'S SIGNATURE

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
 RADIO ☐ METER ☐
 CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐
 CHECKS : OIL ☐ TRANSMISSION FLUID ☐

SCHEDULE 4a
LIVERY VEHICLES

1. In this Schedule,

(a) "City" means the City of Hamilton;

(b) "driver's licence" means a licence issued to a livery vehicle driver under this Schedule, and "licensed driver" has a corresponding meaning;

(c) "livery vehicle" means a vehicle for hire for the transportation of passengers, at a flat rate by agreement, that does not contain a taxi-meter;

(d) "livery vehicle driver" means a person who is licensed under this Schedule to drive a livery vehicle;

(e) "livery vehicle owner" means a person who is the owner of a livery vehicle;

(f) "owner" includes the owner of a vehicle or a purchaser of a vehicle, under contract, agreement, understanding or arrangement;

(g) "owner's licence" means a licence taken out by a vehicle owner authorizing the use of the vehicle as a livery vehicle.

PART 1

Administration

2.(1)(a) Every person who is and carries on business as;

(i) a livery vehicle owner, or

(ii) a livery vehicle driver

shall obtain from the City a licence authorizing that person to carry on or engage in the trade, calling or business of conveying passengers for hire in a livery vehicle.

(b) Subsection (1)(a)(ii) shall not apply to a livery vehicle driver who holds a current and valid taxi-cab driver's licence duly issued by the City.

(2) No person required to obtain a licence under Subsection (1) shall carry on or engage in the trade, calling or business of conveying passengers for hire in a livery vehicle without a licence.

(3) Where a person is required to obtain a licence under Subsection (1),

(a) a separate licence certificate shall be issued for each licence applied for; and

(b) a separate licence certificate shall be issued for each livery vehicle.

(4) Every licence certificate issued to a livery vehicle owner shall clearly identify,

(a) the one vehicle in respect of which the licence was issued;

(b) the class of livery vehicle licence in respect of which the licence certificate was issued;

(c) the term of the licence, including its expiry date.

(5) Every licence certificate issued to a livery vehicle driver shall clearly identify the term of the licence, including its expiry date.

3.(1) Every vehicle licensed under this section shall be operational and functional within 30 days of the issuance of the licence.

(2) No livery vehicle shall display a roof sign bearing the words "taxi-cab", "taxi", or "cab".

4.(1) Every licence issued to a livery vehicle owner or a livery vehicle driver shall entitle the licensee to carry on only such class of livery vehicle operation as specified on the licence.

(2) No livery vehicle owner or livery vehicle driver shall engage in any class of livery vehicle operation for which a licence has not been granted.

(3) The classes of livery vehicle operations shall be as follows:

(a) Class A: Transportation by Limousine

(b) Class B: Transportation of the Disabled at a Subsidized Rate

(4) No livery vehicle owner or livery vehicle driver shall hold more than one class of livery vehicle licence in respect of any livery vehicle.

(5) No livery vehicle licence of any class shall be transferable.

5.(1)(a) A Class A livery vehicle licence shall be issued to an applicant for a livery vehicle owner's licence where,

(i) the livery vehicle seats not less than 6 and not more than 9 passengers, including the driver; and

(ii) the livery vehicle has a wheel base of not less than 110 inches;

(b) Every livery vehicle owner and every livery vehicle driver licensed to operate a Class A livery vehicle shall charge a fare of not less than,

(i) \$60.00 for every hour or part thereof; or

(ii) \$110.00 per diem.

(2) A Class B livery vehicle licence shall be issued to an applicant for a livery vehicle owner or a livery vehicle driver licence, where:

(a) the vehicle operation is restricted to the conveyance of passengers, who are physically unable to climb or descend steps used on conventional public transit facilities or walk a distance of 175 metres; and

(b) the passengers pay a fare less than or equal to the cash fare charged for bus service by the Hamilton Street Railway Company, as it may be set from time to time, for travel within the boundaries of the City, or to a point not more than 5 kilometres beyond its limits. (91-106)

6.(1) Every applicant for an owner's licence or a renewal thereof and every applicant for a driver's licence or a renewal thereof, except where the applicant is the holder of a current and valid licence issued to a taxi-cab driver under Schedule 4, shall attend at the office of the Issuer of Licences and make and file an application in person and not by an agent or representative. (89-316)

(2) Where a livery vehicle is owned by,

(a) a partnership, a partner shall attend for the purpose of subsection (3);

(b) a limited company, the chief operating officer of the company shall attend for the purpose of subsection (3).

(3) Every applicant who is a livery vehicle owner shall fully complete an application on the standard licence application form for the City of Hamilton.

(4) Except where the applicant is the holder of a current licence issued to a taxi-cab driver under Schedule 4, every applicant who is a livery vehicle driver shall fully complete an application in FORM 2 annexed hereto as Schedule "A". (89-316)

(5) Every applicant for licence as a livery vehicle driver shall, in addition to other information required under this by-law, with his application and renewal of application, provide for inspection by the Issuer of Licences, a Class "G" licence issued under The Highway Traffic Act.

(6) Every application for renewal of a Class A livery vehicle owner's licence shall be accompanied by a completed trip record; as required under regulation 19 of Section 12, for the current year during which the livery vehicle licence is in full force and effect.

(7) Failure to comply with the requirements of subsection (6) may cause the application for renewal to be denied.

7.(1) Except where the applicant is the holder of a current licence issued to a taxi-cab driver under Schedule 4, every applicant for a driver's licence shall, before a licence is issued, undertake and successfully complete one or more written tests pertaining to his or her knowledge of, (89-316)

(a) the operation of the livery vehicle, and of the City of Hamilton Licensing Code, By-law No. 79-323, as amended, as it relates to taxi-cabs and livery vehicles;

(b) the laws and regulations pertaining to traffic and motor vehicles;

(c) the relationship between taxi-cab drivers and livery vehicle drivers with respect to passengers including duties, behaviours, appearance, decorum;

(d) the use of the equipment part of taxi-cabs including two-way radio, taxi-meter, roof lights;

(e) the use of trip sheets, making damage reports and record keeping; and

(f) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides.

(2) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant unless;

(a) the applicant achieves not less than 70% on each test required to be undertaken; and

(b) the applicant has a photo identification taken by the City.

8.(1) Before a licence is issued, the livery vehicle owner or livery vehicle driver shall, if required by the City, provide a medical certificate in a form supplied by the City signed by a duly qualified medical practitioner in the Province of Ontario, certifying that the owner or driver of the livery vehicle is physically and mentally fit to drive a livery vehicle.

(2) Every livery vehicle owner and every livery vehicle driver shall provide a certificate of the Medical Officer of Health for The Regional Municipality of Hamilton-Wentworth, as to the health of the owner or driver from time to time as the City may require by notice in writing delivered by first class mail to the owner or driver at his business address or place of residence.

9. Every livery vehicle owner and every livery vehicle driver shall be at least eighteen years of age.

10. Every livery vehicle owner and every livery vehicle driver shall notify the Issuer of Licences within 7 days of a change of address and produce his or her licence for the changes of address to be entered.

11. No licensee who is the holder of a licence as a livery vehicle owner shall enter into any written agreement or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the livery vehicle for which the licence was issued, by any other person who is not a licensed livery vehicle driver.

PART 2

Livery Vehicle Owners

12.(1) Every livery vehicle owner shall comply with the following regulations:

1. Before acting as a driver of a livery vehicle owned by him,

(a) comply with all the requirements for the issuance of a livery vehicle driver's licence except payment of a licence fee for a driver's licence; and

(b) obtain the approval of the Licence Committee.

2. Before issuance of an owner's licence provide the City, in writing, with the following information in respect of every vehicle to be used as a livery vehicle,

(a) clear identification of the vehicle, including the make and serial number,

(b) certificate of ownership,

(c) certificate of insurance,

(d) Safety Standard Certificate as issued by the Ministry of Transportation, and

(e) such other particulars as the City may request.

3. For each livery vehicle for which the owner holds a licence, and before use of the livery vehicle,

(a) obtain a policy of insurance in respect of the livery vehicle in an amount not less than \$500,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;

(b) provide a special endorsement to the policy of insurance referred to in clause (a), for passenger hazard in an amount not less than \$500,000, exclusive of interest and costs;

(c) cause to be endorsed on the policy of insurance referred to in clause (a), that the City shall be given at least ten days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and

(d) deposit a certified true copy of the policy of insurance and all endorsements with the City.

4. Maintain the policy of insurance, referred to in regulation 3 of this section, in force and effect during the entire period for which the licence is issued and in force and effect.

5. Use or permit to be used a livery vehicle only where prior to its use;

(a) the owner has produced a registration issued under The Highway Traffic Act, in respect of the class of motor vehicle to be used as a livery vehicle;

(b) the City has been informed of any changes in the motor vehicle registration; and

(c) the owner has submitted the motor vehicle to the City for approval and has obtained authorization for the vehicle to be used.

6. Subject to The Highway Traffic Act, not use or permit to be used any livery vehicle that does not have affixed to the vehicle;

(a) a City of Hamilton licence plate having an identity number and clear indication that the livery vehicle is licensed for use in the livery business as a livery vehicle; or

(b) a duplicate licence plate, as may be supplied by the City at the expense of the owner of a livery vehicle where the original licence plate has been lost, defaced or destroyed.

7. Affix to the back of each livery vehicle in a manner and in a position approved by the City any livery vehicle licence plate issued by the City and maintain the licence plate only in the approved position during the period for which the licence is in force and effect.

8. Cause a livery vehicle to be submitted for inspections from time to time by such person and at such times and places as the City may designate.

9. Make such improvements or repairs to the livery vehicle, its equipment or any component thereof as may be required by the City and within such time period specified by the City, to such standards as may be approved by the Licence Committee.

10. Immediately check for mechanical defects in the livery vehicle reported by a driver.

11. Not operate or permit to be operated as a livery vehicle any vehicle not in good mechanical condition.

12. Not operate or permit to be operated as a livery vehicle any vehicle unless a Motor Vehicle Safety Certificate on a form and in a manner approved by the Province of Ontario has been filed with the City in a manner and frequency approved by the Licence Committee.

13. Not employ or permit any person other than a licensed livery vehicle driver or licensed taxi-cab driver employed by the livery vehicle owner to operate his or her livery vehicle.

14. Not use the livery vehicle for the separate carrying of parcels, letters, documents, goods or chattels.

15. Provide to the Licensing Administrator at the time that the licence is issued, a Schedule of Fees to be charged in respect of the use of the vehicle and its driver.

16. Charge fees for the use of the vehicle and its driver in accordance with the Schedule of Fees referred to in regulation 15 above.

17. Ensure that a licensed livery vehicle driver operating the owner's livery vehicle charges fees in accordance with the Schedule of Fees referred to in regulation 15 above.

18. Notify the Licensing Administrator in writing of any proposed change in the Fee Schedule prior to invoking such change.

19. Maintain a trip record on FORM 5 hereto annexed as Schedule "B" or on any reasonable facsimile thereof, which shall be kept in the licensed livery vehicle at all times and prepared immediately upon conclusion of every trip and which shall contain the following information:

(a) the name and address of the person hiring the livery vehicle;

(b) the time of the commencement of the trip and the time of the conclusion of the trip;

(c) the address of the place of origin of the trip and the address of the place of final discharge of the passengers at the conclusion of the trip; and

(d) the fee charged.

20. Ensure that a driver operating the owner's vehicle maintains a trip record as required by regulation 19 above.

21. Keep all trip records referred to in regulation 19 above, for a period of at least twelve months.

22. Permit any person authorized to enforce this by-law to inspect any and all trip records on the premises or to remove any and all trip records from the premises for the purpose of inspection.

(2) Regulations 15 to 22 of Subsection (1) shall not apply to a livery vehicle owner holding a Class B licence in respect of the livery vehicle.

13.(1) Every livery vehicle driver shall comply with the following regulations:

1. Not drive a livery vehicle unless a valid livery vehicle driver's licence has been issued to him or her.

2. Operate a livery vehicle only if the livery vehicle is,

(a) in clean condition as to its interior and exterior;

(b) in good repair as to its interior and exterior;

(c) dry as to its interior;

(d) free from mechanical defects;

(e) in fit condition for the purpose for which the vehicle is used; and

(f) in safe driving condition.

3. Examine the livery vehicle for any defects immediately before the livery vehicle is to be driven.

4. Not drive a livery vehicle unless the livery vehicle plate issued by the City is affixed as required by this Schedule, to the livery vehicle for which it was issued.

5. Carry his or her livery vehicle driver's licence with him or her at all times while operating the livery vehicle.

6. Immediately produce for inspection, the livery vehicle driver's licence and the Province of Ontario driver's licence, upon request to do so by a licence inspector or police officer.

7. Not drive a livery vehicle with luggage or other material piled or placed in a manner that obstructs the view of the livery vehicle driver.

8. Not carry in a livery vehicle used for hire a greater number of occupants or persons than the manufacturer's rated seating capacity for that vehicle, inclusive of driver.

9. Affix and maintain affixed when driving a livery vehicle, a photo identity card in a place in the livery vehicle approved by the Licence Committee in such a manner that the photograph and name are plainly visible and readable by a passenger in the back seat.

10. Not drive a livery vehicle unless the City's current livery vehicle licence number is displayed as required by this Schedule.

11. Not make repairs to the livery vehicle while upon a public street unless the repairs are immediately required to render the livery vehicle operable.

12. While in charge of a livery vehicle,

(a) maintain his person in a neat and clean appearance; and

(b) be civil, well-behaved and polite in manner.

13. Immediately upon termination of any hiring or other engagement of the livery vehicle,

(a) search the livery vehicle for any property lost or left therein; and

(b) deliver any lost or left property over to the owner of same; or

(c) where the owner cannot be found, deliver the lost or left property to the licence authority along with any and all relevant information concerning the property.

14. Not permit, while in charge of a livery vehicle, any person other than the owner or an employee of the owner of the livery vehicle to drive the livery vehicle.

15. Immediately report to the owner of the livery vehicle,

(a) any defect of which the livery vehicle driver is or becomes aware;

(b) any accident in which the livery vehicle driver was involved while operating the livery vehicle;

(c) any enforcement tickets or summons issued to the livery vehicle driver by an enforcement officer for violations occurring while operating the livery vehicle.

(2) In addition to the regulations in Subsection (1), every Class A livery vehicle driver shall comply with the following regulations:

1. Charge fees in accordance with the schedule of Fees provided to the Licence Committee by the owner of the livery vehicle under regulation 15 of Section 12.

2. Maintain a trip record in accordance with regulation 19 of Section 12.

14. No person, including the driver, shall smoke a cigarette, cigar, pipe or any tobacco-using devices without the consent of the occupants of the livery vehicle.

15. No owner, driver or other person shall use or cause to be used or arrange for the use of, directly, indirectly at any time by agreement or understanding or otherwise a livery vehicle in substitution for a taxi-cab.

PART 3

Licence Fees

16. The amount of licence fee for a licence granted under this Schedule shall be as follows:

1. For a livery vehicle owner's licence Class A or B \$193.00;
2. For renewal of a livery vehicle owner's licence, Class A or B \$193.00;
3. For a livery vehicle driver's licence \$ 28.00;
4. For renewal of a livery vehicle driver's licence \$ 28.00.

17. Schedules A and B annexed hereto are included in and form part of this Schedule.

FORM 2
APPLICATION FORM
LIVERY DRIVER

SURNAME:..... CHRISTIAN NAMES:.....
SOCIAL INSURANCE NUMBER:.....DATE OF BIRTH.....
MARITAL STATUS.....NO. OF CHILDREN:..... TELEPHONE NO:.....
DRIVERS LICENCE NUMBER..... CLASS:.....
DRIVERS LICENCE EXPIRY DATE:.....NUMBER OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF A DRIVING OFFENCE: YES:_____ NO:_____
IF YES, EXPLAIN:_____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE: YES:_____ NO:_____
IF YES, EXPLAIN:_____

HAVE YOU HAD AN ACCIDENT IN LAST THREE YEARS: YES:_____ NO:_____
IF YES, EXPLAIN:_____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID

I certify the above information to be true to the best of my knowledge

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO: _____

SIGNATURE OF BROKER: _____

Schedule "B"

To
By-law No.

FORM 5

IT IS REQUESTED TO COMPLETE ALL BUT THE SHADDED AREAS

Date		Driver		Cab No.	
IN		OUT			
Time	Place	Time	Place	Time	Place
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
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DRIVER'S SIGNATURE

DEFECTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
 RADIO ☐ METER ☐
 CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐
 OILS : OIL ☐ TRANSMISSION FLUID ☐

The Corporation of the City of Hamilton

BY-LAW NO. 93- 043

To Amend:

Schedule 4 of Licensing By-law No.79-323

Respecting:

INTERIOR ADVERTISING IN TAXI-CABS

AND WHEREAS taxi-cabs are licensed, regulated and governed by Schedule 4 to Licensing By-law No. 79-323 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 3 of the 22nd Report of the Finance and Administration Committee, at its meeting held on the 10th day of November, 1992, directed that Schedule 4 of By-law No. 79-323 be further amended to allow additional interior advertising in taxi-cabs as hereinafter provided;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of section 12 of Schedule 4 of Licensing By-law No. 79-323 is amended by adding the following as sub-paragraph (1a), immediately after sub-paragraph (1):

"(1a) One interior display unit placed on the ceiling, not exceeding 41 centimetres high by 122 centimetres wide, and which does not obstruct access to the vehicle, the drivers view of traffic, or the visibility of the photo identity card, meter, licence and tariff card; and"

2. In all other respects By-law No. 79-323 as amended, is hereby confirmed without change.

PASSED this 23rd day of February

A.D 1993.



City Clerk



Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 93-218

To Amend:

Schedule 4 of Licensing By-law No. 79-323

Respecting:

TAXI-CAB PRIORITY LIST AND PROCEDURES

WHEREAS it is desirable to close the priority list to the entry of new names, and provide for late renewal of names already entered on the list;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sections 20, 21, 22, 23, 24, and 25 of Schedule 4 to Licensing By-law No. 79-323, as amended and consolidated in By-law 93-069, are repealed and replaced with the following:

DEFINITION

20. The "Taxi-cab Priority List", means the list of names, addresses and dates of entry originally adopted by Council on July 25, 1989, as amended and as may be amended from time to time.

PRIORITY ONLY

21. The use of the Taxi-Cab Priority List is as a list of persons currently interested in taxi owner's licences and shall not oblige the City to issue a licence to anyone on the list, regardless of being at the top or the earliest entry, and its use shall be for the order of priority of persons entered on the list only.

CLOSURE OF LIST

22. (1) No names shall be added to the Taxi-cab Priority List, subject to the powers of the Licence Committee under this by-law and the powers of Council, and the Licence Administrator shall not receive or process applications for entry to the list.

TRANSITION

(2) Under the provisions of this by-law in force immediately before the coming into force of this section and notwithstanding subsection (1):

(a) The Licence Administrator may process an individual's application for entry on the Taxi-cab Priority List, where the application was received with the set fee on or prior to October 26, 1993;

(b) an individual may have their application for entry on the Taxi-cab Priority List considered by the Licence Committee where it was filed with the Licence Administrator at the Office of the City Clerk with the set fee on or prior to October 26, 1993; and

(c) the Licence Committee may add the individuals name and address to the Taxi-cab Priority List upon approval of the application above, along with the date the application was received.

RENEWAL

23. (1) Individuals whose names are on the Taxi-cab Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Licence Administrator at the Office of the Clerk, to confirm as accurate or amend the details of the entry.

(2) The Licence Administrator may receive and process renewals and fees for individuals on the Taxi-cab Priority List, note any changes, and submit an amended list to the Licence Committee for approval.

(3) An individual who fails to renew their entry on or before September 30, shall file with the Licence Administrator at the Office of the City Clerk a \$100.00 late filing fee and attend before the Licence Administrator at the Office of the Clerk, to confirm as accurate or amend the details of the entry on or before December 31 of that same year, so as to have their entry maintained on the list at the prior position.

(4) Where an individual fails to meet the requirements of this section for renewal, the Licence Administrator shall delete their name from the Taxi-cab Priority List.

ISSUANCE OF TAXI OWNER'S LICENCES

24. (1) When Council gives approval for the issuance of additional taxi owner's licences, the Licence Administrator shall advise the Licence Committee of the numbers of licences to be issued.

(2) The Licence Administrator may then send notices to individuals on the Taxi-cab Priority List in number felt sufficient to complete the issuance of available taxi owner's licences, and arrange for hearings to be held on applications.

25. (1) An individual who is entered on the Taxi-cab Priority List, after being notified by the Licence Administrator under section 24, shall submit an application in compliance with the following:

1. The applicant shall file with the Licence Administrator within 14 days of the date of notice by the Licence Administrator and prior to consideration of the application by the Committee,

(a) a statutory declaration on FORM 1A annexed hereto as Appendix "B" to Schedule 4 that he or she has actually engaged in operating a taxi-cab full-time in the City as,

(i) a taxi-cab owner,

(ii) a licensed taxi-cab driver,

(iii) a taxi-cab dispatcher, or

(iv) a taxi-cab telephone service operator, for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licence Committee; and

(b) either,

(i) a certified true copy by Revenue Canada of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licence Committee; or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licence Committee:

1. a certified copy of record of employment,

2. statements of insurable earnings as issued by the Unemployment Insurance Commission,

3. statements of contributions to the Canada Pension Plan as issued by Revenue Canada,

4. monthly charge statements as issued by a taxi-cab broker operating in the City of Hamilton,

5. original trip records, or

6. such other or equivalent documentation as the Licensing Committee may accept.

(2) (a) In the case of a taxi-cab driver, for the purposes of subsection 25(1)1.(a)(ii),

(i) "one full year" shall mean not less than 100 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 12 consecutive hours; and

(b) in the case of a taxi-cab dispatcher or telephone service operator, for the purposes of subsection 25(1)1.(a)(iii) and (iv),

(i) "one full year" shall mean not less than 150 shifts or the equivalent thereof;

(ii) "shift" shall mean a period of not less than 8 consecutive hours.

(3) Upon issuance or denial of a taxi owner's licence to an individual under this by-law, the Licence Administrator shall delete the individual's name from the Taxi-cab Priority List.

(4) The Licence Administrator shall notify an individual that a taxi owner's licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with paragraphs 3 and 5 of section 12 of this Schedule.

(5) Notwithstanding the provisions of this part,
the Licence Committee may,

(a) delete names of individuals from the Taxi-cab
Priority List, or

(b) add names of individuals to the Taxi-cab
Priority List in order of date of application.

2. In all other respects By-law No. 79-323, as amended and
consolidated in By-law 93-069, is confirmed without change.

PASSED this 26th day of October A.D. 1993.

A. B. Holladay

Acting City Clerk

Mayor

Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 96-047

To Amend:

Schedule 4 of Licensing By-law No. 93-069

Respecting:

INTERIOR ADVERTISING IN TAXI-CABS

WHEREAS taxi-cabs are licensed, regulated and governed by Schedule 4 to Licensing By-law No. 93-069 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 11 of the 4th Report of the Finance and Administration Committee, at its meeting held on the 27th day of February, 1996, directed that Schedule 4 of By-law No. 93-069 be further amended to allow rear window advertising;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of section 12 of Schedule 4 to Licensing By-law No. 93-069, as amended in By-law 93-043, is further amended by adding the following as sub-paragraph (1b), immediately after sub-paragraph (1a) :

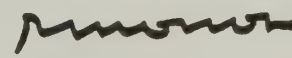
"(1b) In addition to the advertising permitted in sub-paragraphs (1) and (1a), advertising is permitted on the rear window of the taxi-cab, provided it is transparent from the interior of the taxi-cab so the driver is able to observe traffic and objects through the rear window of the vehicle; and "

2. In all other respects By-law No. 93-069 as amended, is hereby confirmed without change.

PASSED this 26th day of March A.D. 1996.


City Clerk




Mayor

SCHEDULE 5

CARTAGE BUSINESSES

1. In this Part,

(a) "cartage vehicle" means a motor vehicle used for hire for the conveyance of goods or other articles or material from one point within the City to another point within the City; and

(b) "operator" means a person hiring a cartage vehicle from any person and then hires out the use of the cartage vehicle to any person.

Licence Required

Owners

2.(1) No person shall, in the City of Hamilton, being the owner of a cartage vehicle, carry on the business of conveying goods or other articles or material for hire without a licence under this by-law, entitling him so to do.

(1a) No operator shall, in the City of Hamilton, carry on the business of conveying goods or other articles or materials for hire without a licence under this by-law, entitling him so to do.

(2) Repealed. By-law No. 79-164.

(3) Every owner and every operator shall take out a separate licence for one or more of the following classes of cartage vehicles:

(a) CLASS "A" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of general freight within the City of Hamilton and for the carriage of parcels or goods authorized to be carried under Class "E" licence.

(b) CLASS "B" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued when such vehicle is equipped with pads, belts, hooks, wardrobes and special packing containers, for the carriage of,

(i) used household office and store furniture;

(ii) new uncrated furniture and fixtures that are part of the furnishing of the dwelling in which they are to be used;

(iii) new uncrated furniture and fixtures that are part of the furnishings of offices, museums, hospitals, factories and public institutions; and

(iv) objects of art, displays, exhibits and electronic equipment that because of their unusual nature or value require specialized handling.

(c) CLASS "C" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage in dump trucks or hopper type vehicles of goods in bulk and of a type that may be scooped, poured, forked, shovelled or dumped.

(d) CLASS "D" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of goods to or from the person named in the licence.

(e) CLASS "E" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of parcels or goods where shipments made to any one consignee do not exceed five hundred pounds (500 lbs.) in weight and where the cartage vehicle has a gross weight not in excess of five thousand pounds (5,000 lbs.).

(f) CLASS "F" - Authorizing the licensee to operate the cartage vehicle for which the licence is issued for the carriage of goods which by virtue of their weight, size, shape or nature require the use of specially designed vehicles and handling devices provided that float equipment is used.

Application for Licence

3.(1) Every application with respect to a cartage vehicle shall be delivered by the applicant to the Issuer of Licences.

(2) Every applicant for a Class "C" licence or for a renewal of a Class "C" licence shall, at the time of application, file a safety standards certificate for each cartage vehicle, that was issued upon inspection that was completed in respect of the cartage vehicle not more than thirty days from the date of the application.

Owner's Licence Certificate

4. On every owner's licence certificate shall be shown the identity of the one cartage vehicle for which the licence is granted, and a separate licence certificate shall be required for each vehicle.

Drivers' Duties

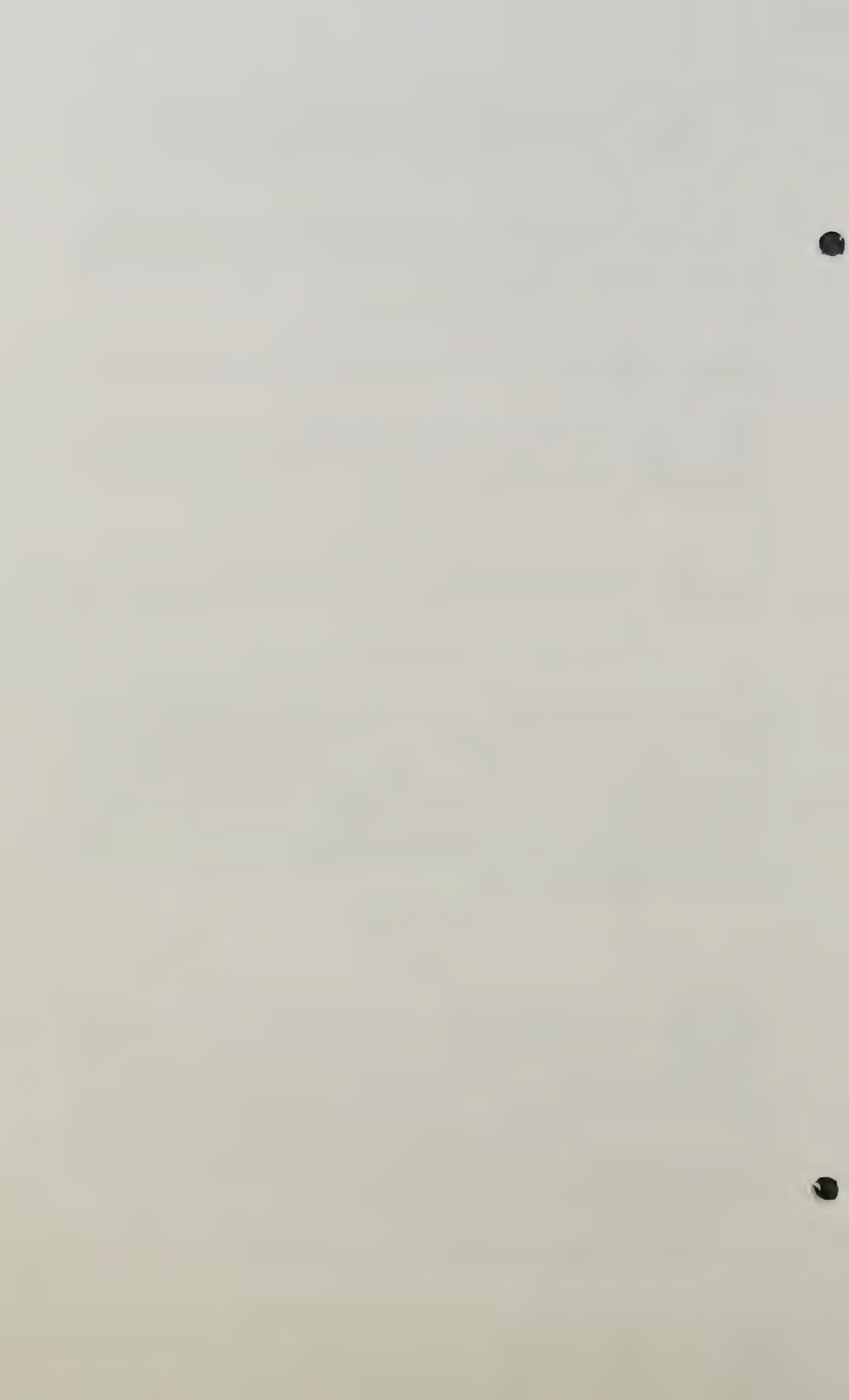
5. Every driver shall notify the Issuer of Licences and the Chief Constable and Chief Licence Inspector within six days of any change of address, and shall promptly report all accidents or other mishaps with respect to the cartage vehicle, or with respect to any cargo or other property, shall not unnecessarily do any washing or repairing of his cartage vehicle in any street, alley or other public place, and, at any time when the same may not be safe to be driven, shall at once report to the Chief Constable or Chief Licence Inspector and shall not again drive it until it has again been made safe, and shall not at any time drive a cartage vehicle with respect to which a licence is required by the provisions of this Schedule unless it has affixed to the right-hand side thereof in a position in which it may readily be seen the City's current licence plate.

Owners' Duties

Insurance

6.(1) Except as provided in Subsection (2), as a pre-condition to the issuing of a licence certificate under this Schedule to the owner of any cartage vehicle, such owner shall deposit with the City by delivering to the Issuer of Licences the written certificate of an insurer duly licensed under The Insurance Act to carry on in Ontario the business of automobile insurance, that it has issued to or for the benefit of such owner in respect of such cartage vehicle a motor vehicle liability policy which is on the date of the certificate in full force and effect, in an amount of not less than \$50,000.00 exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and where in any one accident damages result from bodily injury or death and loss of or damage to property;

(a) claims arising out of bodily injury or death shall have priority over claims arising out of loss or damage to property to the amount of \$40,000.00; and



(b) claims arising out of loss or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$10,000.00,

and such written certificate of the insurer shall certify that it is provided in the policy that the same will not be cancelled or expire except upon ten days' prior written notice thereof to the City, delivered to the Licence Administrator, and that until such notice is given the policy and the certificate are valid, and sufficient to cover the term of any renewal or extension of such motor vehicle liability policy by the insurer, and any renewal or extension of the terms of such owner's licence by the City.

(2) Notwithstanding Subsection (1), where a person owns five or more motor vehicles to be used for the purpose of the licensed business, a liability insurance policy similar to the liability policy referred to in subsection (1) may, with the approval of the City, be carried in an amount not less than \$300,000.00.

Miscellaneous

(3) Every person carrying on a business as an owner for which a licence is required by the provisions of this Schedule, or as a driver, shall be responsible;

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address;

(b) that no vehicle or motor vehicle is used in his business except one the use of which is authorized by a licence issued under this by-law;

(c) that no such vehicle or motor vehicle is used for hire when not in safe driving condition;

(d) that no such vehicle or motor vehicle is used for hire without having affixed to the right-hand side thereof, in a position in which it may most readily be seen, the City's current licence plate, and having no other number showing except the provincial licence number or numbers;

(e) that no such vehicle or motor vehicle is driven by any driver not holding a licence under this by-law;

(f) that within forty-eight hours of the employment or termination of employment of any driver, written notice thereof is given to the Chief Licence Inspector and to the Chief Constable;

(g) that every cartage vehicle shall have a safety check by the Ministry of Transport at least once each year.

(4) Subsections (1), (2) and (3) shall apply to a person who is an operator of a cartage vehicle.

Medical Examination

7. Upon demand by the City, a licensee shall promptly have a physical or mental examination by a physician, and procure and furnish or cause to be furnished to the City a written report from the physician, of the results of such examination, or, in the alternative, if so required by the City, shall submit to examination by a physician designated by the City, and in such case at the expense of the City.

PART II

HORSE CARTAGE BUSINESSES

Licence Required

8. No person shall carry on business as a teamster, carter or drayman without a licence under this by-law, entitling him so to do.

Duties

9. Every person carrying on the business of a teamster, carter or drayman shall be responsible that the following requirements are complied with, namely:

(1) That the premises used are fit for the purpose and kept in a clean, dry and safe condition, and in a proper state of repair.

(2) That all harness, vehicles and other equipment are kept fit for their purpose and are kept in a clean and safe condition and in a proper state of repair.

(3) That no article or equipment or business or other activity of any kind which is not normally and customarily incidental to the business of a teamster, carter or drayman is allowed on the premises.

(4) That every animal is healthy, safe and otherwise fit for the purpose, and is at all times kept well-shod, clean and in good condition.

(5) That the attention of a veterinary surgeon is procured without unnecessary delay, for any animal in need of it.

(6) That no animal is given into the charge of any person not competent to keep it under proper control.

10. The licence fees are provided in section 5 of Schedule 45 of this by-law.

SCHEDULE 6

DRIVE-SELF RENTAL VEHICLES

Interpretation

1. In this Schedule,

(a) "drive-self rental vehicle" means a motor vehicle used for hire for the conveyance of persons, which is hired or kept for hire to persons who are to provide their own drivers; and

(b) "drive-self cartage vehicle" means a motor vehicle used for hire for the conveyance of goods or other articles or material, which is hired or kept for hire to persons who are to provide their own drivers.

Application of Schedule

2. The provisions of this Schedule shall not apply with respect to motor vehicles rented only by the month or for periods of more than a month.

Licence Required

3. No person shall, in the City of Hamilton, being the owner of a drive-self rental vehicle or a drive-self cartage vehicle, carry on the business of letting it for hire without a licence under this by-law, entitling him so to do.

Application for Licence

4. Every application with respect to a drive-self rental vehicle or a drive-self cartage vehicle shall be delivered by the applicant to the Licence Administrator.

Licence Certificate

5. On every licence certificate shall be shown the identity of the vehicle for which the licence is granted, and a separate licence certificate shall be required for each vehicle.

Owners' Duties

Insurance

6.(1) Except as provided in Subsection (2), as a pre-condition to the issuing of a licence certificate under this Schedule to the owner or any drive-self rental vehicle or drive-self cartage vehicle, such owner shall deposit with the City by delivering to the Issuer of Licences the written certificate of an insurer duly licensed under The Insurance Act to carry on in Ontario the business of automobile insurance, that it has issued to or for the benefit of such owner in respect of such drive-self rental vehicle or drive-self cartage vehicle, a motor vehicle liability policy which is on the date of the certificate in full force and effect, in an amount of not less than \$50,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property;

(a) claims arising out of bodily injury or death shall have priority over claims arising out of loss or damage to property to the amount of \$40,000.00; and

(b) claims arising out of loss or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$10,000.00,

and such written certificate of the insurer shall certify that it is provided in the policy that the same will not be cancelled or expire except upon ten days' prior written notice thereof to the City, delivered to the Licence Administrator and that until such notice is given the policy and the certificate are valid, and sufficient to cover the term of any renewal or extension of such motor vehicle liability policy by the insurer, and any renewal or extension of the term of such owner's licence by the City.

(2) Notwithstanding Subsection (1), where a person owns five or more motor vehicles to be used for the purpose of the licensed business, a liability insurance policy similar to the liability policy referred to in Subsection (1) may, with the approval of the City, be carried in an amount not less than \$300,000.00.

Miscellaneous

(3) Every person carrying on a business for which a licence is required by the provisions of this Schedule shall be responsible,

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address;

(b) that no drive-self rental vehicle or drive-self cartage vehicle is used in his business except one the use of which is authorized by a licence issued under this by-law;

(c) that no such drive-self rental vehicle or drive-self cartage vehicle is used for hire when not in safe driving condition; and

(d) that a proper record is kept showing the record of every person to whom a drive-self rental vehicle or drive-self cartage vehicle was let, including the following:

(i) Name and address of such person;

(ii) Description including sex, age, height, weight, colour of eyes and hair, beard or moustache if any, whether bald or not and any other noticeable characteristics;

(iii) Number of driver's or chauffeur's permits;

(iv) Date and time of hiring and for what alleged probable period and destination; and

(v) The signature of such person;

(e) every self-drive cartage vehicle shall have a safety check by the Ministry of Transport at least once each year, and all such records shall be plain and legible, written or typed in the English language, and shall be kept for at least one year, and during that period kept available to inspection by the Chief Constable or Chief Licence Inspector at all times, and all information in said records shall be confidential to the City, the Chief Constable and the Chief Licence Inspector authorized to peruse the same, and shall not be communicated to any other person except as it may be required to be given in evidence.

7. The amount of the licence fee is provided in section 6 of Schedule 45 of this by-law.

SCHEDULE 7

DRIVING SCHOOLS AND INSTRUCTORS

Interpretation

1. In this Schedule,

- (a) "driving school" means the business of teaching persons to operate motor vehicles; and
- (b) "driving instructor" means a person whose occupation is the teaching of persons to operate motor vehicles;
- (c) "driving school operator" means a person licensed to carry on the business of a driving school;
- (d) "employ" includes any business relationship between a driving school operator in which;
 - (i) a driving instructor is hired on a salary, hourly wage or commission or other means of remuneration; or
 - (ii) a driving instructor acts as an agent of the driving school operator or as an independent contractor or on the basis of any other formal or informal arrangement for the teaching of students from the school.

Licence Required

- 2.(1) No person shall, in the City of Hamilton, carry on the business of a driving school without a licence under this by-law, entitling him so to do.
- (2) No person shall engage in the occupation of a driving instructor in the City of Hamilton without a licence under this by-law, entitling him so to do.

Application for Licence

- 3. Every application for a licence shall be delivered by the applicant to the Issuer of Licences, and every application for a driving school licence shall include particulars of the applicant's financial responsibility, and shall be accompanied by his public liability and other insurance policies, if any.

Licence Certificate

- 4.(1) Every driving school operator and every driving instructor shall notify the Chief Licence Inspector in writing of all vehicles used or to be used to teach persons to operate motor vehicles immediately before commencement of use whether or not the motor vehicles are owned by the driving school operator, the driving instructor or any other person.
- (2) No driving school operator or driving instructor shall use a motor vehicle and no motor vehicle shall be used for the purpose of teaching persons to operate motor vehicles unless the Chief Licence Inspector has authorized the use in writing.

Duties of Driving Instructor

- 5. Every driving instructor shall be responsible,

- (a) that driving instruction is not given over the same routes that are commonly used for tests for operator's permits; and

(b) that the Chief Constable and Chief Licence Inspector are notified in writing within six days of any change of address.

Duties of Driving School Operator

6.(1) Save as hereinafter otherwise provided, every driving school operator shall be responsible,

(a) that the Chief Licence Inspector and the Chief constable are notified in writing within six days of any change of address of the business;

(b) that the location of his place of business is suitable, and has adequate provision for off-street parking of motor vehicles;

(c) that no person is allowed to act as an instructor unless he or she holds a current and valid license under this by-law as an instructor;

(d) that every other motor vehicle used in teaching persons to operate motor vehicles is in safe driving condition, that it is equipped with extra braking equipment for use by the driving instructor beside the driver, and that it may safely be used for the purposes of the business;

(e) that no motor vehicle is used for the purpose of teaching persons to operate motor vehicles except one the use of which is authorized by a licence under this Schedule.

(f) that no such motor vehicle is used at any time for the purpose of teaching persons to operate motor vehicles, unless it carries at the rear a sign at least ten inches high and twenty inches wide, indicating the nature of the business, in letters clearly readable from the rear, at distances up to at least seventy-five feet; and

(g) that a proper record is kept, of daily reports from each driving instructor employed of all driving lessons given, and kept available for inspection by any member of the police force; said reports to include the name and address of the student driver, the date and time of each lesson, the name of the driving instructor, and the serial number of the driver's permit or temporary instruction permit of each student driver and such records shall be kept for the period of at least one year.

(h) that no motor vehicle is used for instruction without having affixed to the rear of the vehicle a clearly visible licence plate issued by the City of Hamilton and in force during the calendar year during which the motor vehicle is in use;

(i) that no motor vehicle to which is affixed a City of Hamilton licence plate in accordance with clause (h), shall have affixed to it any other licence plate except a plate issued under The Highway Traffic Act;

(j) that no motor vehicle is used by a driving instructor not holding a licence entitling him to engage in the calling of driving instructor.

(2) Notwithstanding the foregoing, it shall be lawful,

(a) for a driving instructor to teach a student driver how to drive in a motor vehicle owned by the student driver or a member of his immediate family, after the student driver has had, in the authorized motor vehicles, instruction sufficient to make such a change safely, and has had in any event, at least three hours instruction in an authorized vehicle; and

(2) No Licence Holder shall park or stop a tow-truck on a highway within 200 metres of,

(a) the scene of a motor vehicle accident or apparent accident; or

(b) a motor vehicle involved in an accident.

(3) Subsections (1) and (2) do not apply to a person who is at the scene of the accident at the request of a police officer, a municipal fire fighter, an officer appointed for carrying out the provisions of the Highway Traffic Act, a person engaged in highway maintenance, or a person involved in the accident.

6. (a) An owner of a tow-truck shall not permit the operation of the tow-truck within the City of Hamilton by a driver who does not have a valid and current licence issued under this Schedule.

(b) A tow-truck owner shall supply the City of Hamilton Licence Division with a current written list of all tow-truck drivers' names, addresses and telephone numbers, within seven days of obtaining a tow-truck owner's licence, and shall also supply the City with any further additions or deletions to such list.

7. While operating a tow-truck, the driver shall carry the photo identification and licence supplied by the City and shall produce such documentation on demand, to a police officer or other persons authorized to enforce by-laws of the City.

8.(1) No licensed tow-truck owner shall drive or operate any tow-truck, or permit to be driven or operated any tow-truck, without first ensuring the tow-truck has:

(a) the licence plate issued by the City, affixed on the outside of the tow-truck and facing the rear, prominently displaying the identifying licence number, in such a manner that the number is visible from behind the truck and without obscuring the provincial licence plate;

(b) the name of the owner, or a registered trade name, painted on the outside of each door in letters at least 5 centimetres in height, in a colour contrasting to that of the doors, so that the name is prominently displayed;

(c) the address and telephone number of the owner, painted on the outside of each side of the body or door, in letters of at least 4 centimetres in height, in a colour contrasting to that of the body or door, so that the address and telephone number are prominently displayed; and

(d) the municipal licence number, painted on the side of the tow-truck on the outside of each front quarter panel, in letters at least 12 centimetres in height in a colour contrasting to that of the quarter panel, so that the number is prominently displayed.

(2) A tow-truck owner, prior to driving or operating, or permitting the driving or operation of the tow-truck, shall outfit the tow-truck with the following equipment in working order, which shall be considered a minimum standard for the purposes of safe operating condition:

(a) one 5 pound capacity, multi purpose A,B,C rated portable fire extinguisher, listed by Underwriters Laboratories of Canada, capable of functioning at -40 degrees celsius, mounted in the cab or under protective covering, and maintained in accordance with manufacturers specifications;

(b) a flashlight, broom, shovel and heavy duty pry bar;

(c) a reflective safety vest for the driver and any assistant;

(d) a device for securing the steering wheel of a motor vehicle to be towed;

(e) two safety chains, each comprised of links of at least 5/16 of an inch of steel;

- (f) road flares in sufficient quantity for thirty minutes of use;
- (g) a light bar capable of being used on a towed vehicle if necessary;
- (h) a revolving light visible from the front and rear of the tow-truck; and
- (i) a lift, winch, dolly, trailer or like equipment for the towing, carrying, or lifting of motor vehicles, with the manufacturers or other tested ratings for weight capacity posted near the operators controls, and sufficient equipment to secure the towed vehicle to the tow-truck, trailer and dolly, and where the tow-truck is equipped with more than one device for towing, carrying or lifting motor vehicles all such equipment shall comply with the requirements of this paragraph.

(3) A tow-truck owner shall maintain, and by regular inspection ensure, that the tow-truck is kept in safe operating condition and in compliance with the applicable standards imposed by the Highway Traffic Act, failing which the tow-truck shall be removed from service.

(4) A tow-truck owner or driver shall comply with the request of a police officer or licence inspector to produce the tow-truck and allow it to be examined for the purposes of compliance with the requirements of subsections (1) and (2).

(5) A tow-truck owner or driver shall comply with the request of a police officer or licence inspector to take the tow-truck to a Ministry of Transportation vehicle inspecting facility, or to an Ministry of Transportation authorized inspector, and return with a current Safety Standards Certificate or any deficiency report obtained, for the purpose of ensuring compliance with the applicable requirements of subsections (1), (2) and (3).

9. The licence fees are provided in section 10 of Schedule 45 of this by-law.



SCHEDULE 13

PEDLARS

Interpretation

1. In this Schedule,

(a) "pedlar" means a person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

Licence Required

2. No person shall carry on business as a pedlar without a licence under this by-law, entitling him so to do.

Licence Plate

3. Every pedlar while using a vehicle in his business shall keep affixed thereto, on the right-hand side thereof in such a manner as always to be readily visible from that side, the current licence plate for said vehicle, and no other licence plate on that side.

Miscellaneous Requirements

4. No pedlar shall,

- (a) hold any show or entertainment in any street or public place;
- (b) place or maintain any stand, stall or booth in any street or other public place;
- (c) use in his business any horse or other animal not in sound condition and well-cared for; or
- (d) being the holder of a pedlar's licence, allow any other person to use his licence certificate.

5. The licence fees are provided in section 13 of Schedule 45 of this by-law.

SCHEDULE 15

PUBLIC HALLS AND PLACES OF AMUSEMENT

Licence Required

1.(a) "amusement machine" means a machine, device or contrivance activated by mechanical or other action or any other means by the user thereof with a view to achieving a desirable result through skill or chance or a combination of both, in terms of points, score, measurement of any other characteristic of the machine, device or contrivance but does not include a pinball machine;

(b) "amusement machine parlour" means a premises or place on a premises where four or more amusement machines are kept for the amusement of the users thereof;

(ba) "billiard parlour" means a premises or place on a premises on which there is one or more billiard tables or pool tables for hire or gain;

(c) "bingo parlour" means a premises or place on a premises used as a public hall for the assembly of persons playing bingo;

(d) "pinball machine" means a machine in which a ball, object, thing, or image, or symbol or sign becomes mobile or otherwise active or visible upon being activated or called into existence or use by mechanical or other action or any other means so as to mechanically or otherwise project the ball, object, thing, or image, or symbol or sign through skill or part skill and part chance of the user thereof, upon or under a surface, or on a screen or other viewing surface within a full or part enclosure or not within an enclosure, with a view to achieving a desirable result in terms of points, score, measurement or any other characteristic of the machine, device or contrivance;

(e) "pinball machine parlour" means a premises or place on a premises where four or more pinball machines are kept for the amusement of the users thereof;

(f) "place of amusement" includes a bingo parlour, pinball parlour, amusement machine parlour and all other places of amusement;

(g) "proprietary club" means all clubs other than those in which the use of any billiard, pool or bagatelle table is only incidental to the main objects of the club;

(h) "public hall" means a building, including a portable building or tent that is offered for use or used as a place of public assembly but does not include;

(i) a theatre within the meaning of The Theatres Act; or

(ii) a building, except a tent used solely for religious purposes.

1a. No person shall for profit or gain and no proprietary club shall, directly or indirectly keep;

(a) or have in his or its possession or on his or its premises any billiard, pool or bagatelle table;

(b) or have any billiard, pool or bagatelle table whether used or not, in a house or place of public entertainment or resort;

without separate licences entitling him or it to do so.

1b.(1) Except as provided in section 1d, no person shall carry on or operate;

- (a) an exhibition held for hire or gain; or
- (b) a theatre; or
- (c) a music hall; or
- (d) a bowling alley; or
- (e) a moving picture show; or
- (f) a public hall; or
- (g) any place of amusement,

without a separate licence entitling him to do so for each of the trades, callings, businesses or occupations mentioned in clauses (a), (b), (c), (d), (e) and (f), and as mentioned in clause (g) in accordance with subsection (2).

(2) Every person who operates a place of amusement shall take out a separate licence for each of the following trades, callings, businesses or occupations:

1. A bingo parlour.
2. A pinball parlour.
3. An amusement machine parlour.
4. Any other place of amusement.

1c.(1) No person shall carry on or operate:

- (a) an exhibition of waxworks; or
- (b) a menagerie; or
- (c) circus-riding; or
- (d) any other like shows usually exhibited by showmen including a carnival;

without a separate licence entitling him to do so for each of the separate trades, callings, businesses or occupations mentioned in clauses (a), (b) and (c) and for each like show usually exhibited by showmen and for a carnival as mentioned in clause (d).

(2) No person shall carry on or operate a roller skating rink or other places of like amusement without a separate licence entitling him to do so for:

- (a) a roller skating rink;
- (b) each other place of like amusement.

(3) Except as provided in section 1d, no person shall carry on or operate:

- (a) a merry-go-round; or
- (b) a switchback railway; or

(c) a carousel; or

(d) any other like contrivances;

without a separate licence entitling him to do so for each of the separate trades, callings, businesses or occupations in respect of the contrivances mentioned in clauses (a), (b) and (c) and in respect of any like contrivance referred to in clause (d).

1d. No licence shall be required for any exhibition or travelling show or any other show or performance held in a licensed theatre or public hall.

2. Every application for a licence for any public hall or place of amusement shall include particulars of the financial responsibility of the applicant.

Licence Certificate

3. On every licence certificate for a public hall or other place of public assembly shall be shown the maximum number of persons who may be lawfully accommodated in each room or part to be used for public assembly.

General Requirements

4. Every person carrying on or operating any exhibition, show, public hall, place of amusement or amusement contrivance for which a licence is required under this Schedule shall be responsible that the following requirements are observed, namely;

(a) Advertising. There shall not be published, displayed or distributed any advertising matter which is vulgar or indecent;

(b) Condition of Premises. The premises shall be kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and, in particular, while open for business and for the period of at least one-half hour before and after, the same shall be kept suitably lighted and ventilated, adequate sanitary facilities shall be available, and no snow or ice shall be allowed to accumulate on any fire escape or other means of egress in such manner or to such an extent as to create any unnecessary danger;

(c) Hours. Save as hereinafter otherwise provided or as otherwise specifically authorized by law or as provided by by-law of the City Council under The Lord's Day (Ontario) Act, the premises shall be closed at 11:45 o'clock in the afternoon on Saturday and remain closed until eight o'clock in the forenoon of the following Monday, and shall be closed and remain closed on all other days from twelve o'clock midnight until eight o'clock in the forenoon of the following day;

(d) Conduct on Premises. There shall not be allowed in or about the premises any disorderly or unseemly conduct;

(e) Obstructing Highway. All necessary measures shall be taken to prevent any obstruction of the highway by patrons; and

(f) Fire or Panic. In case of fire, panic or other emergency or untoward incident, the police and fire departments shall be notified promptly, and there shall be taken such other precautionary or protective measures as may be reasonably needful under the circumstances.

4a. Every person to whom this Schedule applies shall take out a separate licence for the carrying on or operation of each exhibition, show, public hall, place of amusement or contrivance mentioned in clauses (a), (b), (c), (d), (e) and (f) of subsection 1(3).

Special Regulations

5. (1) Bowling Alleys. Notwithstanding the provisions of section 4 of this Schedule respecting hours, the business hours of a bowling alley on Monday, Tuesday, Wednesday, Thursday and Friday may be extended until one o'clock in the morning of the following day, but the keeper shall be responsible,

(a) that no person under the age of fourteen years shall be allowed to be on the premises after nine o'clock in the afternoon or before eight o'clock in the forenoon of any day unless accompanied by one of his parents or a responsible adult.

(2) Public Halls. Every keeper of a public hall shall be responsible that the following requirements are observed, namely:

(a) Undesirable Activities. No indecent or disorderly performance or other such undesirable activity shall be allowed;

(b) Dances. When dancing is held in a public hall, other than a bona fide private dance held by a private person or a bona fide religious, charitable, patriotic or fraternal organization,

(i) (Repealed);

(ii) (Repealed);

(iii) Notwithstanding the provisions of section 4 of this Schedule respecting hours, the premises shall be closed at 11:45 o'clock in the afternoon on Saturday and remain closed until one o'clock in the afternoon of the following Monday, and during the remainder of the week the premises shall be closed at one o'clock in the forenoon and shall remain closed until one o'clock in the afternoon of the same day.

Provided that nothing herein shall be deemed to prohibit the continuance of any dance on New Year's Eve, until three o'clock of the following morning.

(3) Rebound Tumbling Establishments. Every operator of a rebound tumbling establishment shall be responsible that the following requirements are observed, namely:

(a) The premises and equipment shall in all respects be suitable for the purpose and so maintained, and without limiting the generality of the foregoing there shall at all times be readily available a telephone and a suitable first-aid kit;

(b) At all times when the establishment is in use there shall be at least one trained and competent supervisor in attendance for each twelve tumbling units or fractional part thereof, and all necessary measures shall be taken to prevent obstruction of the highways;

(c) All injuries or mishaps shall as soon as possible be reported to the medical officer of health and the Chief Licence Inspector, and proper records of the same kept; and

(d) No equipment shall be allowed to be used by any person under the influence of alcohol, or who is otherwise not in fit condition, or by any child under eight years of age unless in the immediate company of his parent or of some other competent and responsible person.

(3a) Bingo Parlours. Notwithstanding clause 5(2)(b)(iii), no person shall carry on or operate a bingo parlour except between the hours of 8:00 in the forenoon and 1:00 in the forenoon of the following day.



(4) The premises of a moving picture theatre shall not be required to close at twelve o'clock midnight preceding a statutory holiday or a holiday fixed by proclamation and when such holiday, except Remembrance Day, falls on a Sunday, the premises shall not be required to close at twelve o'clock midnight on the Monday following the holiday;

(4a) where subsection (4) applies, the premises of the moving picture theatre shall close after any complete presentation of a moving picture show after midnight but, in any event, not later than 3:00 in the forenoon of the next day following the preceding midnight.

(4b) The premises of a moving picture show shall be closed not later than twelve o'clock midnight on Saturday and remain closed until eight o'clock in the forenoon of the following Monday, and shall be closed and remain closed on all other days from one o'clock in the forenoon until eight o'clock in the forenoon of the same day.

5a. The premises of the following places of amusement or entertainment shall be closed and remain closed on all other days except Saturday, as follows:

1. Theatres, other than moving picture theatres or shows, from one o'clock in the forenoon until eight o'clock in the forenoon of the same day.

2. Roller Rinks, from one o'clock in the forenoon until six o'clock in the forenoon of the same day.

3. Arenas, from one o'clock in the forenoon until six o'clock in the forenoon of the same day.

4. Billiard Parlours, from three o'clock in the forenoon until eight o'clock in the forenoon of the same day, except that any pinball machine and amusement machine on the premises shall be closed and remain closed from twelve o'clock midnight until eight o'clock in the forenoon of the following day.

5b. No person to whom a licence has been issued to carry on or engage in the business of a billiard parlour shall permit or cause to be permitted any person less than 14 years of age to be within the billiard parlour after nine o'clock in the afternoon and before eight o'clock in the forenoon of the following day.

6. The licence fees are provided in section 15 of Schedule 45 of this by-law.

SCHEDULE 16
REFRESHMENT VEHICLES

1. In this Schedule,

(a) "refreshment vehicle" means a motor vehicle or other vehicle from which refreshments are sold for consumption by the public, and includes,

(i) "lunch vehicle", which means a vehicle from which food is sold, other than ice cream, frozen desserts and other frozen confections; and

(ii) "ice cream vehicle", which means a vehicle from which is sold ice cream, frozen desserts or other frozen confections.

Licence Required

2. No person shall in the City of Hamilton carry on the business of selling for consumption by the public, refreshments from a vehicle, without a licence entitling him so to do.

3. Every application for a licence shall show which class of licence is applied for, the type of motor vehicle or other vehicle proposed to be used, and particulars of the applicant's financial responsibility.

4. On every owner's licence certificate shall be shown the identity of the one motor vehicle or other vehicle for which the licence is granted and a separate licence shall be required for each vehicle.

Lunch Vehicle and Equipment

5. Every person carrying on business with a lunch vehicle shall be responsible,

(a) that it is of a suitable commercial type, with the food compartment wholly enclosed and self-contained; and

(b) that it is equipped with a suitable refuse container.

Ice Cream Vehicle

6. Every person carrying on business with an ice cream vehicle shall be responsible,

(a) that it is of a suitable commercial type, and equipped with a suitable compartment suitably refrigerated, for all ice cream and other frozen food carried;

(b) that there is conspicuously displayed on the rear the warning "WATCH FOR CHILDREN", in readily legible black letters at least six inches high, on a yellow background;

(c) that it is equipped with two or more amber lights on top, so placed as to be readily visible by a person five feet in height standing four feet in front of or behind the vehicle, and equipped with a device to keep the lights flashing while the vehicle is stopped for the sale of food; and

(d) that every rear bumper shall have such a cover on such an angle as to prevent a child from standing or sitting on it.



Owner's Duties

7. Every person carrying on a business for which a licence is required under this Schedule shall be responsible,

(a) that the Chief Licence Inspector and the Chief Constable are notified in writing within six days of any change of address of the licensee or business;

(b) that no vehicle or motor vehicle is used in his business except one the use of which is authorized by a licence issued under this by-law;

(c) that no such vehicle or motor vehicle is used when not in safe driving condition, and that it is inspected by the police at least once in each calendar year;

(d) that no such vehicle or motor vehicle is used for business without having affixed to the right hand side thereof, in a position in which it may most readily be seen, the City's current licence plate, and having no other licence number showing except the current provincial licence number or numbers; and

(e) that no such motor vehicle is driven by any person not currently holding a chauffeur's licence, and that every such vehicle and motor vehicle while being used in the business is under the charge of a person at least 16 years of age and competent and otherwise suitable for the purpose.

Drivers' Duties

8. Every driver of a refreshment vehicle shall be responsible for the observance of the following rules:

(a) He shall report at once to the Chief Licence Inspector and to the Chief Constable when the vehicle is not in safe driving condition, and shall refrain from driving it again until it is safe to do so;

(b) He Shall not cry his wares or sound any chimes or other audible means of recognition while the vehicle is in motion, or for more than five seconds at intervals of not less than five minutes, or in any residential area after eight o'clock in the evening or before eight in the morning;

(c) He shall not stop for the sale of any products,

(i) within 5 feet of an intersection;

(ii) within 100 yards of any eating establishment, school ground, recreation ground, playground or public park; or

(iii) for more than ten minutes at any one location on a residential street; or

(iv) without being properly parked;

(d) He shall not serve any customer who is standing in the roadway;

(e) Immediately before putting his vehicle in motion after having been stationary for the sale of products, he shall make a complete safety tour around the vehicle;

(f) He shall not unnecessarily do any washing or repairing of a vehicle in a street, alley or other public place;

(g) At all times while his vehicle is stopped for the sale of food, he shall be responsible that the lights required by section 6 are kept flashing; and



(h) He shall report at once to the Chief Licence Inspector every accident or other mishap which has occurred with respect to the vehicle, or otherwise in connection with the carrying on of the business.

¹ Prohibition

9.(1) Except as provided in subsection (2), no person shall sell fruit, candy, peanuts, ice cream or ice cream cones from a basket or wagon, cart or other vehicle, upon the roadway of any street, or upon any part of the street allowance of any street other than a residential street.

(2) Nothing in this Section applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

10. The licence fees are provided for in section 16 of Schedule 45 of this by-law.

SCHEDULE 17

SALVAGE AND SECOND-HAND GOODS BUSINESSES

Application of Schedule

- 1.(1) The provisions of this Schedule shall not be deemed,
- (a) to apply to the business of buying and selling articles commonly recognized as valuable antiques or works of art; or
 - (b) to require the reporting of the purchase or sale of waste paper, rags, bones or bottles, or of used tires, or of ferrous metal scrap which is obviously scrap, or to require the retention of any such goods for any specified period; but the exception provided in this clause does not extend to any motor vehicle or part thereof.
- (1a) For the purpose of this Schedule a salvage yard includes an automobile wrecking yard or premises.
- (2) The provisions of subsection 2(1) do not apply to any person engaged in the business for patriotic or charitable purposes.
- (3) The provisions of section 4, clauses 6(a) and 6(d), and clause 7(a) do not apply to a person who deals in second-hand goods, only to the extent of receiving traded-in articles the value of which is applied on account of the purchase price of new goods of a like kind being sold by him in the usual course of his business to the owner of such second-hand goods.

Licence Required

- 2.(1) No person shall carry on or engage in the business of a salvage shop, salvage yard, second-hand goods shop or dealer in second-hand goods without a licence under this by-law entitling him so to do.
- (2) Every person required to obtain a licence shall obtain a separate licence with respect to each and every shop, store, yard or other premises used for the transaction of business or for receiving, keeping or storing salvage or second-hand goods.

Classes of Licence

- 3.(1) Any licence required under this Schedule may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified, and no person shall deal in any class of second-hand goods not covered by his licence.
- (2) Second-hand motors, cash registers, typewriters and adding or other business machines shall constitute a separate class.

Record Book and Reports

- 4.(1) Every person carrying on or engaging in the business of a salvage shop, salvage yard, second-hand goods shop or dealer in second-hand goods shall, without delay, at the time when any salvage or second-hand goods are purchased, taken in exchange, received on consignment or otherwise received or acquired in any manner whatsoever, enter in the Record Book in ink or indelible pencil and in a plain and easily readable hand and in the English language, a record of all such salvage and second-hand goods (except waste paper, rags, bones and bottles, and used motor vehicle or bicycle tires, and ferrous metal scrap which is obviously scrap), the date and time, the price or other consideration given, and the name and address of the person from whom they were so purchased, taken in exchange or otherwise obtained, together with the current licence number of the motor vehicle, if any,

in which such salvage or second-hand goods were brought; and, in the case of tools purchased or otherwise obtained, the record shall include a proper description of the same, including the name of the manufacturer, and the identifying number or initials, if any.

(2) Every person carrying on or engaging in any of the said businesses shall deliver at the office of the Chief Constable before two o'clock in the afternoon daily, except on Sundays and public holidays, a true copy of the entries in the Record Book relating to all such transactions which have taken place since the transaction last so reported; and whenever there is reason to suspect that any goods or articles may have been stolen, all readily ascertainable particulars of the same and of the person offering the same shall be included in the said report.

(3) Goods redeemed on pawn tickets shall be treated as purchased and so entered, by every person engaging in any such business; and in entering bicycles the name of the maker and the serial number shall be recorded; and in the case of a used motor vehicle or wrecked motor vehicle purchased, taken in exchange or otherwise obtained, there shall be entered in the Record Book the name of the maker, all serial numbers and the current or previous year's motor vehicle licence number, if any.

(4) The said Record Book shall be and remain the property of the City and shall be returned to the City by the licensee at any time on demand, and in any event immediately before the expiry of the licence, whether by revocation or otherwise; and the licensee shall take all necessary precautions to guard against its loss, destruction or mutilation.

(5) When any Record Book is delivered to the City at any time during currency of the licence, the secretary shall supply to the licensee another Record Book which shall be kept and used in the same manner by the licensee at all times while he is without the former Book.

(6) All information in said Record Books and Reports shall be confidential to the City, the Chief Constable and those members of the police force authorized to peruse the same and shall not be communicated to any other person except as it may be required to be given in evidence.

Purchasing from Minors

5. No keeper of a second-hand goods shop or salvage store or shop shall directly or indirectly purchase from, exchange with or receive in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods or articles.

Miscellaneous Regulations

Second-Hand Goods Shops, and Salvage Shops and Yards

6. Every keeper of a second-hand goods shop or of a salvage shop or salvage yard shall be responsible,

(a) Period of Retention of Goods. That all salvage and second-hand goods purchased, taken in exchange or otherwise obtained, including goods obtained from a dealer in second-hand goods, shall be retained in unchanged condition and exposed to public view in his shop or yard in the City of Hamilton for a period of at least fourteen days thereafter, exclusive of Sundays and public holidays, and that the same shall be kept clearly separated in location during the whole of such period, from all goods previously purchased, and that none of the same shall be sold or otherwise disposed of until after the expiration of the said period;

(b) Place of Storage, etc. That no salvage or second-hand goods are stored or kept anywhere but at the shop or yard in the City of Hamilton either within a building or within a properly fenced enclosure, that no waste paper or any material likely to blow about the streets is allowed to be deposited or remain where it can do so, and that the whole premises and all salvage and goods therein are kept clean and orderly;

(c) Soliciting on Highway. That there is no soliciting of business from any person that is on a public highway; and

(d) Hours of Business. That no salvage or second-hand goods are purchased, taken in exchange or otherwise obtained on a public holiday, or after eleven o'clock in the afternoon of any day, or before seven o'clock in the morning of any day; and that except during full daylight, there is no collecting or attempted collecting of any goods or salvage, or any passing from house to house along any public or private way, for any such purpose.

Miscellaneous Regulations

Dealers in Second-Hand Goods

7. Every dealer in second-hand goods who does not hold a licence for a second-hand goods shop or a salvage shop or salvage yard shall be responsible,

(a) Hours of Business. That no salvage or second-hand goods are purchased, taken in exchange or otherwise obtained on a public holiday, or after eleven o'clock in the afternoon of any day, or before seven o'clock in the morning of any day; and that except during full daylight, there is no collecting or attempted collecting of any goods or salvage, or any passing from house to house along any public or private way, for any such purpose;

(b) Retention or Inspection of Goods. That within seven days after the acquisition of any salvage or second-hand goods, either there is delivered to the Chief Constable in writing a list of the same, and such salvage and second-hand goods made available to the police for inspection, or that they are disposed of to the licensee of a second-hand goods shop or of a salvage shop or salvage yard in the City of Hamilton.

8. The licence fees are provided in section 17 of Schedule 45 of this by-law.

SCHEDULE 19

SIGN POSTERS AND BILL DISTRIBUTORS, ETC.

Licence Required

1. No person shall carry on or engage in any of the following businesses or occupations:

- (a) bill poster;
- (b) advertising sign painter;
- (c) bulletin board painter;
- (d) sign poster; or
- (e) bill distributor,

without a licence under this by-law entitling him so to do.

Miscellaneous Prohibitions

2.(1) No person shall post up or distribute any poster, picture or handbill that is indecent or that tends to corrupt morals.

(2) No person required by the provisions of this Schedule to be licensed shall distribute any poster, picture, handbill, printed matter or other paper whether printed or not,

- (a) by handing the same to any person in any highway or other public place; or
- (b) by depositing the same in or on any motor vehicle; or
- (c) by depositing the same on any lawn, verandah or other such place; or
- (d) by depositing the same into any street, alley, park or other public place,

and every such person shall be responsible for any such act of his servant or agent.

3. The licence fees are provided in Schedule 45 of this by-law.

SCHEDULE 20

RETAIL STORES SELLING TOBACCO, CIGARS OR CIGARETTES

- 1.(1) Subject to subsection (3), the keeper of any store where tobacco, cigars or cigarettes are offered for sale by retail shall obtain and maintain in good standing a licence from the City under this schedule, authorizing the sale from the store of tobacco, cigars or cigarettes by retail.
 - (2) No person shall sell tobacco, cigars or cigarettes by retail from any store, unless a license has first been obtained for that store under subsection (1).
 - (3) Pursuant to the Municipal Act, R.S.O. 1990, c. M.45, section 216, the keeper of a hotel, within the meaning of that section, is exempt from this schedule.
 - (4) Where a person being the owner and operator of a store, is the holder of a licence under this schedule as the keeper of such store, no employee of the store need obtain a separate licence.
 - (5) The Licence Administrator may combine as one document the licence certificate and Form 1, to be posted as a sign in accordance with this schedule.
2. For the purposes of this schedule, the following definitions apply:
- (a) "keeper" shall mean a person responsible for the care and management of a store selling tobacco, cigars or cigarettes, and shall include the owner and operator of the store;
 - (b) "licence holder" shall mean the keeper of a store who holds a current and valid licence under this schedule; and
 - (c) "store" shall include any building, booth, or stall, or a portion thereof where goods are exposed for sale, and shall include a shop.

Regulations

- 3.(1) A licence holder under this schedule shall:
- (a) display in the store at all times a sign, as shown in Form 1 set out in Appendix "A" hereto annexed which appendix is included in and forms a part of this schedule, on or immediately next to each till or cash register where customers may purchase or pay for any tobacco, cigars or cigarettes;
 - (b) display the sign required in paragraph (a), so that the contents are in plain view to customers approaching the till or cash register, and containing only the prescribed message, in English, and written in black characters on a white background;
 - (c) require employees of the store to read the sign required in paragraph (a), prior to commencing work involving the sale of tobacco, cigars or cigarettes, and instruct employees to bring any removal or defacement of the required signs to the immediate attention of the licence holder;
 - (d) replace with a new sign as required in paragraph (a), any sign which has been removed or destroyed, or where the prescribed message or part thereof has been defaced; and
 - (e) use for the required signs the sign available from the City, or substitute a sign of equal or greater overall size and letter size and complying in all other respects with requirements of this schedule.

(2) Where any tobacco, cigars or cigarettes are dispensed from a vending machine in the store, the licence holder shall:

(a) display a sign, in the form and content required in paragraphs (1)(a) and (1)(b), on top of or on the front of each machine so that the content is in plain view to customers operating the machine, and the licence holder shall otherwise comply with the requirements of subsection (1); and

(b) locate each machine within the view of the licence holder or employee thereof, while at a till or cash register in the store, so that persons using the vending machine are in plain view and so the licence holder or employee of the store can verify the placement and existence of the signs required in paragraph (a).

(3) Nothing in this schedule shall prevent a licence holder or an employee of the store from refusing service to anyone seeking to purchase tobacco, cigars or cigarettes, or from posting a sign to that effect, in addition to the signs required by subsections (1) and (2).

(4) In addition to the signs required by subsections (1) and (2), the licence holder may display like signs in any language suitable for customers.

4.(1) A licence holder under this schedule shall provide in the store for the use of customers;

(a) at least one container for the disposal of refuse, and,

(b) where smoking is not prohibited in the store, at least one ashtray.

(2) The licence holder shall empty the containers required in subsection (1), and any other garbage or ash containers provided for customers, to eliminate overflow of the contents, and shall remove any spillage from the containers.

5. Nothing in this schedule shall operate to prevent a licence holder or an employee of the store, from complying with applicable laws or a court order respecting the removal or control of vending machines made under the Tobacco Restraint Act, R.S.C. 1985, Chapter T-12, as amended, and to the extent of any conflict with the applicable law or such court order the provisions of this schedule are deemed not to apply

6. The licence fee is provided in section 20 of Schedule 45 of this by-law.

SCHEDULE 21
TOURIST CAMPS, TRAILER CAMPS, AND MOTELS

PART I

Licence Required

1. No person shall operate a tourist camp, trailer camp or motel without a licence under this by-law, entitling him so to do.

1a. In this Schedule,

(a) "tourist camp" includes an auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

(b) "trailer camp" means land in or upon which any trailer or vehicle is placed, located, kept or maintained, which trailer is so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such trailer or vehicle is jacked-up or that its running gear is removed, but not including any trailer or vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

Application of Schedule

2. The provisions of this Schedule do not apply to a trailer camp having no more than one lot, located on land adjoining a dwelling occupied by the father, mother, brother, sister, son or daughter of one of the occupants of the trailer, where all the occupants of the trailer have unrestricted use at all times, of all the facilities of the dwelling except sleeping accommodation.

General Requirements

3. In every tourist camp, trailer camp and motel, the operator shall be responsible,

(a) that a metal garbage container with close-fitting lid is provided for each unit, and the garbage collected at least once per day;

(b) that every unit is equipped with at least one fire extinguisher containing at least one quart of carbon tetrachloride, or one or more extinguishers of at least equal power and efficiency;

(c) that the establishment is provided with at least one ten-pound carbon dioxide fire extinguisher or equal, for every five units, and that no unit is distant more than one hundred feet from the nearest such extinguisher; and

(d) that no open fire is allowed, provided that this shall not be deemed to prohibit the reasonable use of a fire in a properly constructed outdoor fire place, under the direct supervision of and in the presence of a competent person in charge of the same.

PART II

Trailer Camps

4. In every trailer camp, the operator shall be responsible,

(a) that the camp is divided into lots, each lot of an area of at least one thousand square feet and a width at its narrowest part, of at least twenty-five feet;

(b) that each lot abuts upon a driveway of a width of at least thirty feet, and direct and unobstructed access to a highway;



- (c) that every driveway is hard-surfaced, well-marked in daytime, and well-lighted at all times other than full daylight;
- (d) that every lot is equipped with a sewer connection and an electric outlet, and the boundaries well-marked;
- (e) that every camp is well-drained, and provided with at least one public telephone and one sanitary drinking fountain for every twenty-five lots or fraction thereof;
- (f) that washing and bathing facilities are provided and properly maintained, with running hot as well as cold water, sufficient to service the needs of the occupants to be accommodated by the number of lots available to be licensed;
- (g) that all electric, water and sewage services are properly maintained at all times, and suitable garbage containers provided and properly maintained, and all garbage collected and properly disposed of at least once every day, and the whole area kept clean and orderly at all times;
- (h) that no trailer is allowed to be occupied by such a number of persons as to leave less than four hundred cubic feet of airspace for each; and
- (i) that each lot in the camp is occupied by only one trailer, except for a lot or lots reserved for the storage of unused trailers which lots do not have more than one connection for sewers.

Duration of Trailer Camp Licence

5. Licences may be granted for a period of one month or longer to the operator of a trailer camp for each lot to be made available for the occupancy of a trailer during the currency of the licence, and he shall not allow any lot to be used for the occupancy of a trailer, without a licence therefor.

Licence Fee

6. The licence fee payable by the operator of a trailer camp for each lot to be made available for the occupancy of a trailer during the currency of the licence is hereby fixed at twenty dollars per month, and all such fees shall be paid in advance.

6a.(1) No licence fee shall be payable under Section 6, where,

(a) a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence; or

(b) a lot is to be made available only for occupancy by a trailer that is assessed under the Assessment Act.

(2) In respect of a lot for which an exemption from licence fees is claimed under subsection (1) the operator shall supply with the licence application, the full names of the occupiers and their address, being their usual or normal place of residence, or the address at which the trailer is assessed.

PART III

Tourist Camps

No Trailers

7. The operator of a tourist camp shall not allow any trailer to be used for living accommodation in any part of the tourist camp, without a trailer camp licence for such part.

Auto Camps

8. Every part of a tourist camp which is used as an auto camp shall be laid out, equipped and maintained by the operator in accordance with the requirements for a trailer camp,

except that in lieu of electric and sewer connections for each lot, he shall provide and properly maintain adequate and suitable lighting and sanitary facilities for the camp.

Tourist Cabins

9. Where tourist cabins are provided, the operator shall be responsible that each is situated on a lot having an area of at least one thousand square feet, and that in each cabin there are provided and properly maintained adequate and suitable lighting facilities, sanitary facilities, and at least one lavatory basin, one kitchen sink, and one bath tub or shower bath, with running hot as well as cold water, and that no cabin is allowed to be occupied by such a number of persons as to leave less than five hundred cubic feet of air space for each.

PART IV

Motels

10. Every operator of a motel shall be responsible that it is constructed, equipped, maintained and operated in accordance with the requirements of this Schedule for tourist cabins, except as to lot area.

11. The licence fees are provided in section 21 of Schedule 45 of this by-law.

SCHEDULE 22

TRANSIENT VENDORS AND PERSONS COMMENCING BUSINESS AFTER THE RETURN OF THE ASSESSMENT ROLL

1. In this schedule,

(a) "trade" means trade, business, calling or occupation;

(b) "transient vendor" includes,

(i) persons whose names have not been entered on the assessment roll, in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner; or

(ii) a transient trader; but

(iii) does not include a charitable organization or non-profit group or corporation selling goods, wares or merchandise, the proceeds from which are donated to, or used for charitable objects.

(c) "transient trader" includes any person commencing business in the City of Hamilton who has not resided continuously in the City for at least three months next preceding the time of commencing such business there.

1a. This by-law does not apply to:

(a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock; and

(b) The sale of a business to a purchaser who continues the business.

2. Every transient vendor shall obtain and maintain in good standing a licence authorizing the transient vendor to carry on or engage in his trade.

3. No transient vendor shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.

4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.

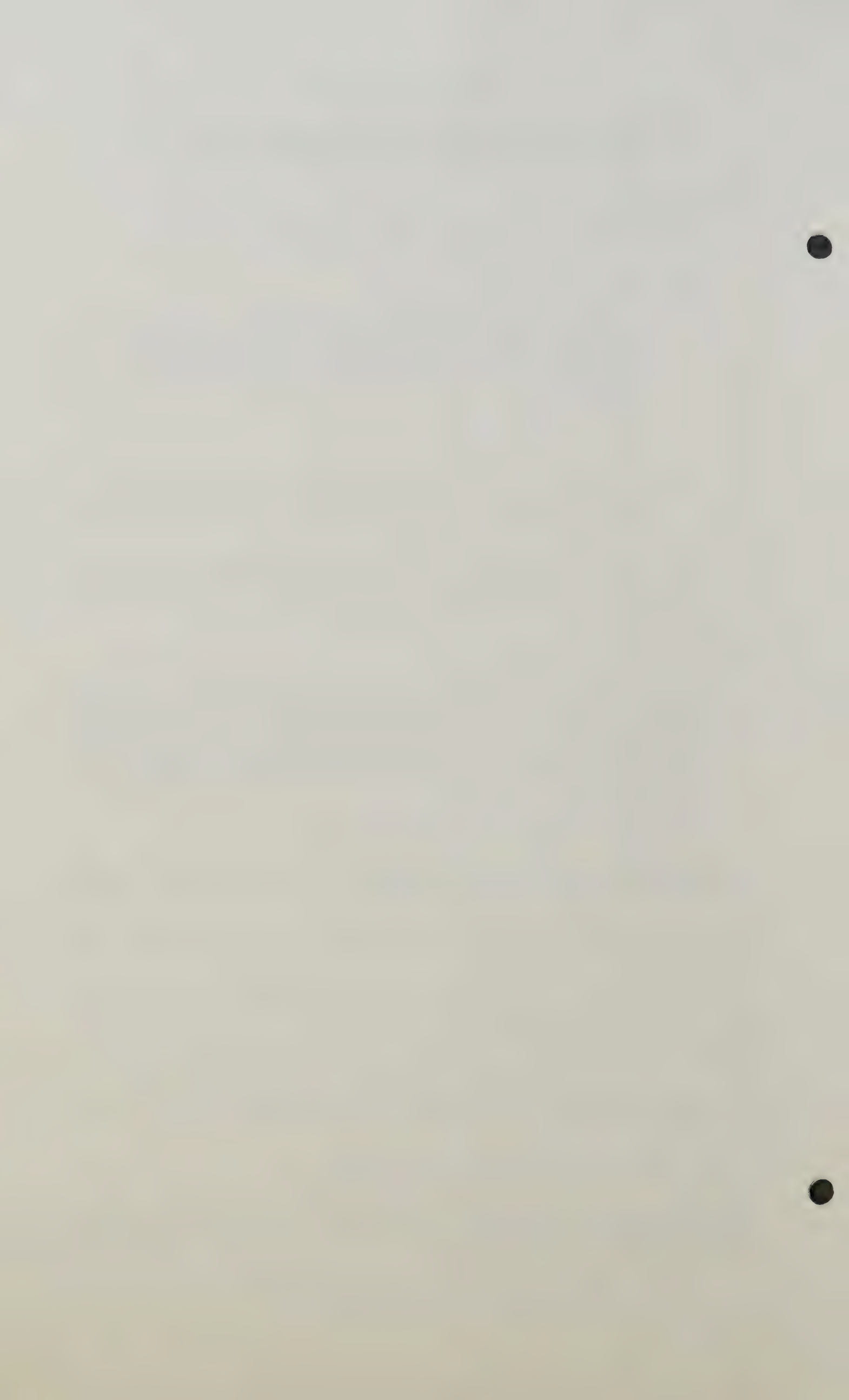
5. Every transient vendor shall pay the licence fee before commencing his trade.

6. No licence shall be issued where the fee has not been paid in full at the time of making the application.

7. Every transient vendor shall comply with the following:

(1) Provide the Licensing Committee with the following information before commencing the sale of any goods, wares or merchandise, and of any changes to this information upon oral or written request of the Issuer of Licences:

(a) Name, and the address of his permanent place of residence;



(b) Name and address of any other permanent or temporary place from which he conducts his business or part thereof or which serves as a business address;

(c) Whether any goods, wares or merchandise or any part or class of them offered for sale or to be sold was at any previous time offered for sale or sold in the City or any other place and the locations or addresses of such previous offers or sales and a description of the circumstances of such offers for sales or sales;

(d) A description of the class or classes of goods, wares or merchandise offered for sale, and where and from whom acquired;

(e) Names and addresses of all persons employed or associated with him or otherwise acting for or on his behalf in any offer for sale or sale of goods, wares or merchandise;

(f) Description in detail of the manner, method or technique proposed to be used by him and by any person mentioned in paragraph (2)(e) to be used in any offer for sale and selling the goods, wares or merchandise;

(g) A statement in writing containing a full description of the goods, wares or merchandise that the applicant proposes to sell or offer for sale under the licence.

(2) Provide the Licensing Committee upon oral or written request of the Issuer of Licences or the Chief Licence Inspector, after commencing sale of any goods, wares or merchandise, with a Statutory Declaration declaring as to:

(a) the classes of goods sold;

(b) the manner, method or techniques of offer for sale or sales;

(c) the date of commencement of any sale and the closing date of the sale;

(d) the location at which the offers for sale were made and the places at that location where the sales took place;

(e) the names and addresses of each person engaged in the offering for sale or the sale;

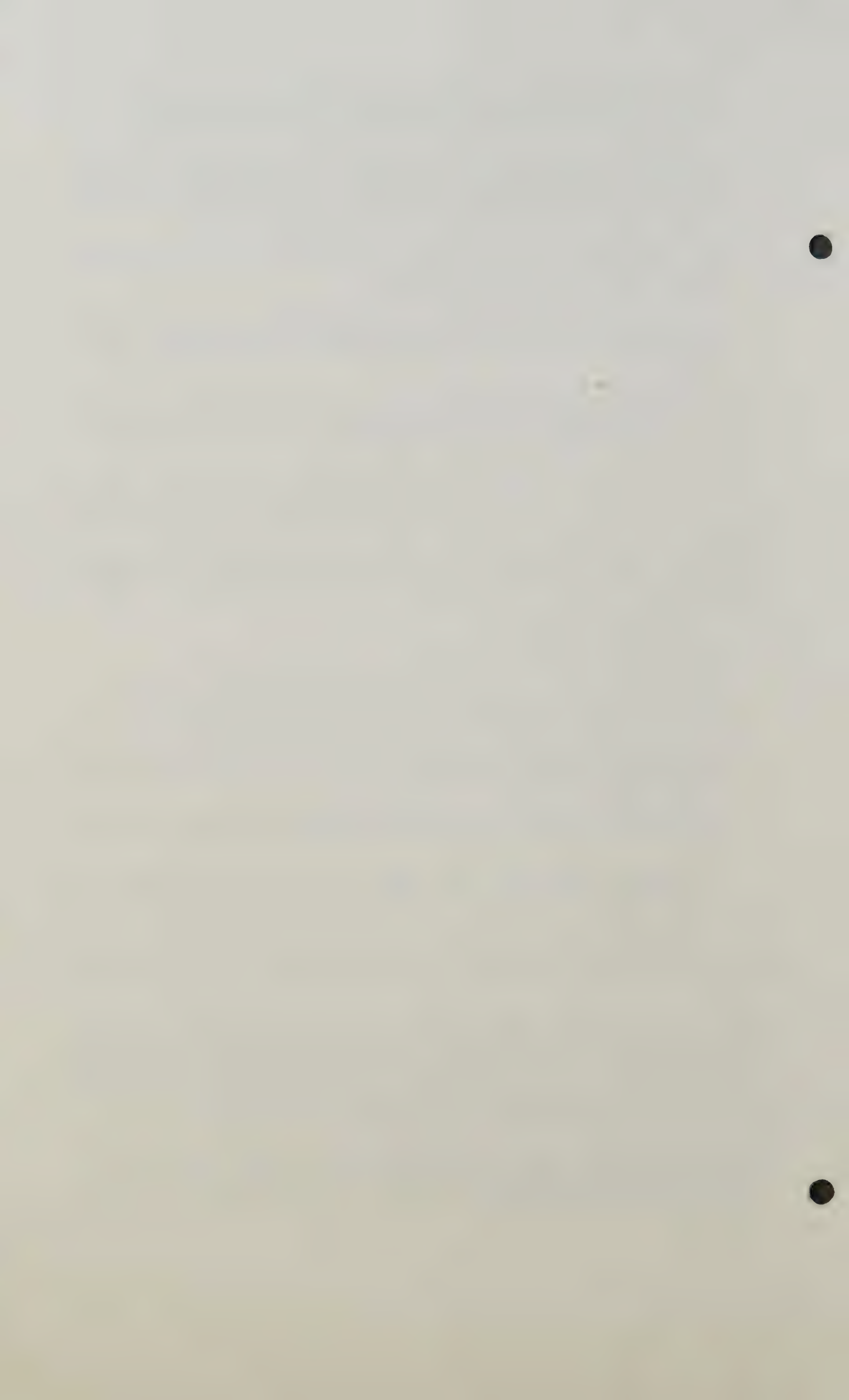
(f) description and percentage of the goods, wares or merchandise sold and unsold.

8.(1) The licence fees are provided by section 22 of Schedule 45 of this by-law.

(2) The licenses issued under this Schedule shall expire three months from the date of issuance.

(3) The sum paid for a licence shall be credited to the person paying it, or to any purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of and or in connection of the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

(4) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.



SCHEDULE 23

PET SHOPS

1. In this Schedule,

- (a) "animal" includes animal or bird whether or not exotic or wild and fish;
- (b) "cage" means a cage, tank, container or other receptacle for different species as the case may be;
- (c) "exotic animal" includes any wild mammal or wild bird or amphibian, reptile, fish or offspring thereof not indigenous to the United States and Canada that is not a pet or raised as a pet, but does not include an animal used for research or at a zoological garden;
- (d) "inspector" includes an inspector of the Society;
- (e) "medical officer" means the Medical Officer of Health of the Hamilton-Wentworth Regional Health Unit;
- (f) "pet shop" means a shop or place where animals or birds for use as pets are sold or kept for sale;
- (g) "pet shop keeper" means a person who keeps a pet shop;
- (h) "Society" means The Hamilton Society for the Prevention of Cruelty to Animals;
- (i) "Veterinarian" means a person registered under The Veterinarians Act;
- (j) "wild animal" includes any vertebrate except fish, that live in a wild or natural state in the United States or Canada and which is not subjected to domestication through selective or controlled breeding.

2.(1) There shall be taken out by every pet shop keeper a licence from the City authorizing the pet shop keeper to carry out his trade, calling, business or occupation in the City.

(2) No person mentioned in subsection (1) shall, within the City carry on or engage in the operation of a pet shop until a current and valid licence has been issued to him, entitling him so to do.

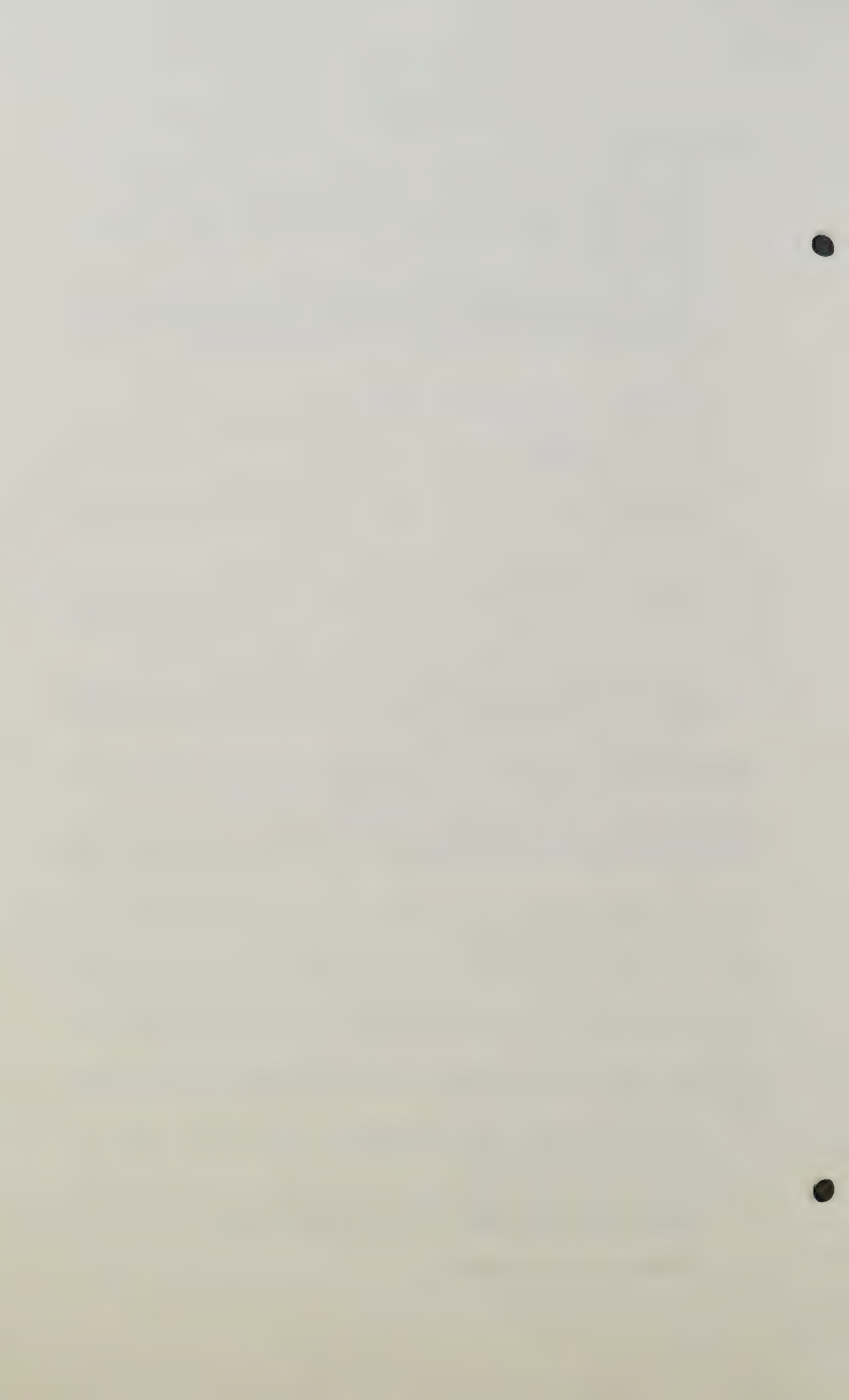
(3) Every pet shop keeper shall, upon application for a licence or renewal of a licence, pay to the City the fee fixed by this by-law.

(4) No licence shall be issued where the fee is not paid in full at the time of the application.

3. Every applicant for a pet shop keeper's licence shall take out a separate licence for each pet shop.

4.(1) No pet shop keeper's licence shall be issued by the Licence Committee unless the applicant,

- (a) has an educational background relating to animal care and husbandry or equivalent practical experience;
- (b) has not been convicted of any offence under sections 444, 445, 446 or 447 of The Criminal Code, or of any similar offence in any other jurisdiction;
- (c) produces the written approval of,



(i) the medical officer; and

(ii) the Hamilton Society for the Prevention of Cruelty to Animals,

to the physical content of the shop, the conditions of operation and the quality of care.

(2) Notwithstanding subsection (1), where the applicant satisfies the Licence Committee that the issuance of a licence to him or her would not be contrary to this by-law, a licence may be issued.

(3) (Repealed)

(4) Every application for a licence under this Schedule shall, upon receipt, be submitted by the Licence Administrator to the Society for review and comment.

5. Every pet shop keeper shall comply with the following regulations:

1. Permit only persons to operate or manage a pet shop who are qualified or have comparable practical experience in animal care and husbandry satisfactory to the Society.

2. Permit only persons who are trained to the satisfaction of the Society to attend to the care, feeding and cleaning of animals in the pet shop.

3. Display a sign having in plain letters not less than six inches in height in the English language, the words "Licensed Pet Shop".

4. Display the sign referred to in regulation 3,

(a) over the street door; or

(b) in the lower front window of the premises; or

(c) in another place conspicuous from outside the shop satisfactory to the Licence Committee.

5. Maintain the shop or place of business, or any part thereof or any cage or container or receptacle,

(a) in a sanitary condition; and

(b) in a well ventilated condition; and

(c) in a clean condition; and

(d) free from offensive odours; and

(e) free from dirt, filth, manure, excrement or other offensive matter.

6. Keep the stock of animals in quarters satisfactory to the Society, that are,

(a) sanitary; and

(b) well ventilated; and

(c) well bedded; and

(d) clean; and



(e) at a healthful temperature at all times, required for the particular species of animal;

(f) adequately lighted to permit,

(i) observation of all animals; and

(ii) proper housekeeping.

7. Keep the animals,

(a) in a clean and healthy condition appropriate to the particular species; and

(b) free from infestation, vermin and disease.

8. Keep the animals in cages,

(a) that cannot be easily overturned or contaminated; and

(b) that are equipped with receptacles for food and water.

9. Keep the animals other than birds in cages having floors of either,

(a) solid construction including metal or other impermeable surface; or

(b) wire mesh,

(i) with spaces between the wire mesh smaller than the pads of the animal confined therein; and

(ii) of a sufficient thickness to support the weight of the animal, without bending; and

(iii) so designed to prevent injury to a confined animal.

10. Keep birds in cages having removable metal or other impermeable bottoms of adequate size.

11. Use only cages, containers, or receptacles sufficient in size and height to permit an animal, other than a bird, confined therein to,

(a) stand normally to its full height; and

(b) turn around easily; and

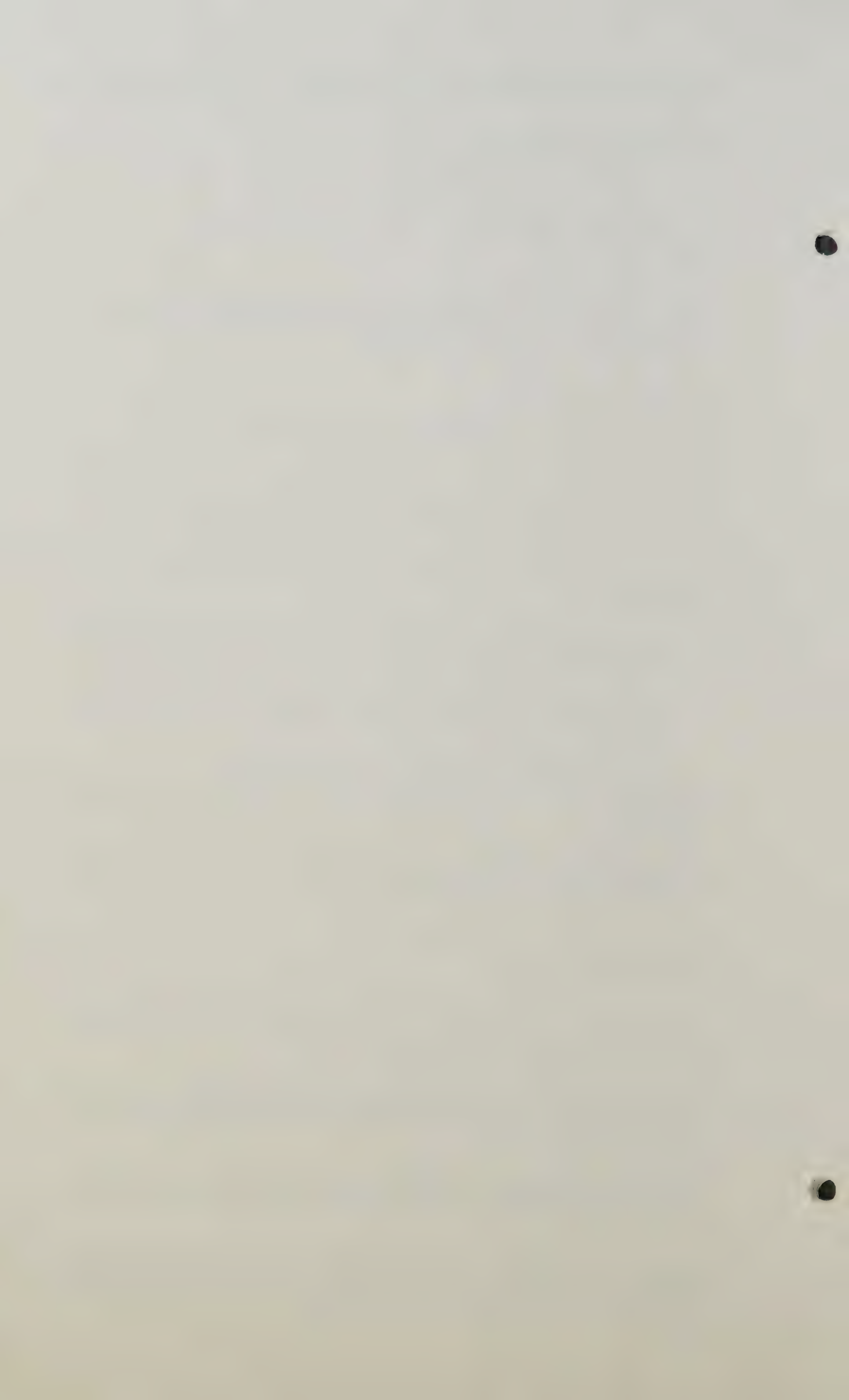
(c) to move about easily for the purpose of maintaining its physical well-being; and

(d) to lie down in a fully extended position.

12. Permit not more than 20 Budgerigars or Canaries or twenty-five Finches to be contained in a single cage with minimum dimensions of 68.6 cm. (27 in.) by 40 cm. (16 in.) by 78.7 cm. (31 in.).

13. Permit not more than 15 Budgerigars or Canaries or twenty Finches to be contained in a single cage with minimum dimensions of 60 cm. (24 in.) by 35 cm. (14 in.) by 40 cm. (16 in.).

14. Each cage containing birds shall be of sufficient size and dimensions to enable each bird to have an amount of perch space for itself which will permit the bird to fully extend its wings in every direction from its perch.



15. Clean and wash the floor or cage bottom thoroughly at least once each day or more often as may be necessary to comply with regulation 5.
16. Locate all animals, other than fish, in cages in the pet shop in such a way as to provide for,
 - (a) maximum comfort to satisfy the known and established needs for a particular species; and
 - (b) safeguards to prevent extreme environmental changes; and
 - (c) preventing undue direct physical contact with the general public.
17. Provide drinking water to animals at least once each day including Sundays and holidays and more often as may be necessary.
18. Maintain a supply of potable water at all times readily available to the animals other than fish.
19. Feed each animal requiring a daily intake of food at least once every 24 hour period including Sundays and holidays, as may be applicable for each species.
20. Provide food for each animal of sufficient nutritive content for the health and wellbeing of the species.
21. Not confine incompatible species of animals in the same cage.
22. Display any animal in a shop or display window,
 - (a) only at the rear of the windowed space; and
 - (b) out of draughts; and
 - (c) out of the rays of the sun.
23. Not sell or offer for sale any animal for use as a pet before its normal weaning age.
24. Not sell or offer for sale any animal for use as a pet that is dyed or to which dye has been applied either externally or through ingestion.
25. Not sell or offer for sale chicks, ducklings, or other live poultry.
26. Not sell or offer for sale chicks, ducklings, or other live poultry as a bonus to a sale or part of a sale of any other goods, products, or services.
27. Keep for sale, sell or offer for sale only animals that are not,
 - (a) non-human primates;
 - (b) North American animals, excluding fish, that are,
 - (a) wild by nature; or
 - (b) on the endangered species list, unless the animals were bred in captivity.
28. Not sell or offer for sale any sick or diseased animal.
29. Not sell or offer for sale any animal that exhibits,
 - (a) obvious signs of infectious disease, including distemper, hepatitis, leptospirosis and rabies;



(c) proof that the tow-truck is insured for operation on public roadways, the name of the insurance company, policy number and date of expiry, the insurance supplying a minimum coverage of \$1,000,000.00 for third party liability, which insurance also fully compensates for loss or damage to towed motor vehicles;

(d) a current Safety Standards Certificate for the vehicle to be licensed, issued under the Highway Traffic Act; and

(e) the address of any storage yard operated by the owner, and the address of the owner's office from which the business is operated, if different from the address of the storage yard.

(2) An owner who has indicated he will be a driver of the tow-truck and who has otherwise complied with the requirements of being licensed as a driver, may be issued a tow-truck driver's licence in addition to the owner's licence without being required to pay the fee for such driver's licence.

(3) A tow-truck owner licensed under this section, shall hold such licence and rights thereunder subject to the requirement that all insurance and required provincial licences are not suspended, cancelled or otherwise revoked, and shall return the licence to the City immediately upon any such suspension, cancellation or revocation.

(4) A tow-truck owner's or driver's licence given to the City under subsection (3), shall be returned to the owner, upon the owner supplying the City with proof of reinstatement of the insurance or provincial licences, along with the particulars thereof required by subsection (1).

4.(1) In addition to the application, an applicant for a tow-truck driver's licence shall provide:

(a) where available, the full name and address of his employer;

(b) where available, the name of the owner and municipal licence number, respecting the tow-truck to be driven;

(c) proof of a valid provincial driver's licence, along with the licence number; and

(d) three recently taken passport sized photos with a head and shoulders view, clearly showing the applicant's face.

(2) A tow-truck driver licensed under this section, shall hold the licence and rights thereunder subject to the requirement that the provincial driver's licence is not suspended, cancelled or otherwise revoked, and shall return the tow-truck driver's licence to the City immediately upon any such suspension, cancellation or revocation.

(3) A tow-truck driver's licence given to the City under subsection (2), shall be returned to the driver, upon the driver supplying the City with proof of reinstatement of the provincial licence, along with the particulars thereof required by subsection (1).

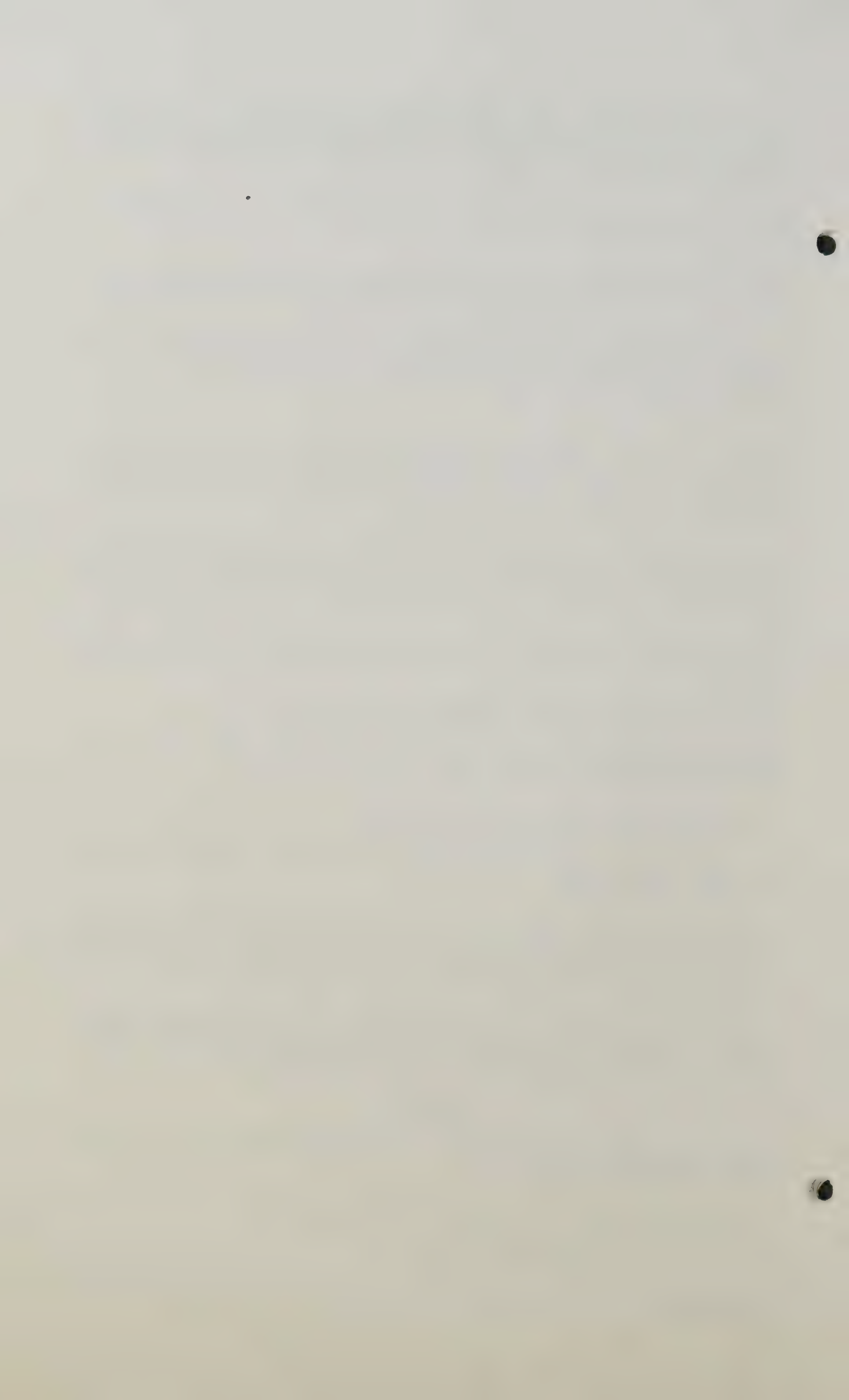
Regulation

5.(1) No person shall solicit the hiring of a tow-truck or offer towing services, while that person is within 200 metres of,

(a) the scene of a motor vehicle accident or apparent accident; or

(b) a motor vehicle involved in an accident,

on a highway.



- (b) obvious signs of nutritional deficiencies including rickets and emaciation;
- (c) obvious signs of severe parasitism sufficient to influence the general health of the animal;
- (d) obvious fractures or congenital deformities affecting the general health of the animal.

30. Provide for the examination and treatment of each animal in a separate quarantine area within 24 hours of the onset of the sickness or disease referred to in paragraph 28 or the obvious signs referred to in paragraph 29, by a veterinarian or qualified person experienced in the care and treatment of the species concerned.

31. Sell or offer for sale only animals that are not exotic animals or wild animals, except exotic animals that have been imported under existing legislation and which have met the provisions of the Health of Animal Division of the Department of Agriculture.

32. Keep a register in the English language, written in ink in plain legible handwriting, containing the following information, entered into the register at the time an animal comes into the possession of the pet shop keeper;

- 1. Name and address of supplier or other person from whom the animal is purchased or otherwise obtained.

- 2. Date of purchase and sale of the animal or other acquisition.

- 3. A full description of,

- (a) each dog and cat;

- (b) each shipment or supply of animals other than dogs and cats.

33. Retain the register in good condition for a period of 12 months after each transaction.

34. Not mutilate or destroy the register.

35. Give to each person who purchases a dog or cat,

- (a) a receipt containing the following information,

- 1. name and address of the vendor and purchaser;

- 2. date of sale;

- 3. sale price;

- 4. breed or crossbreed;

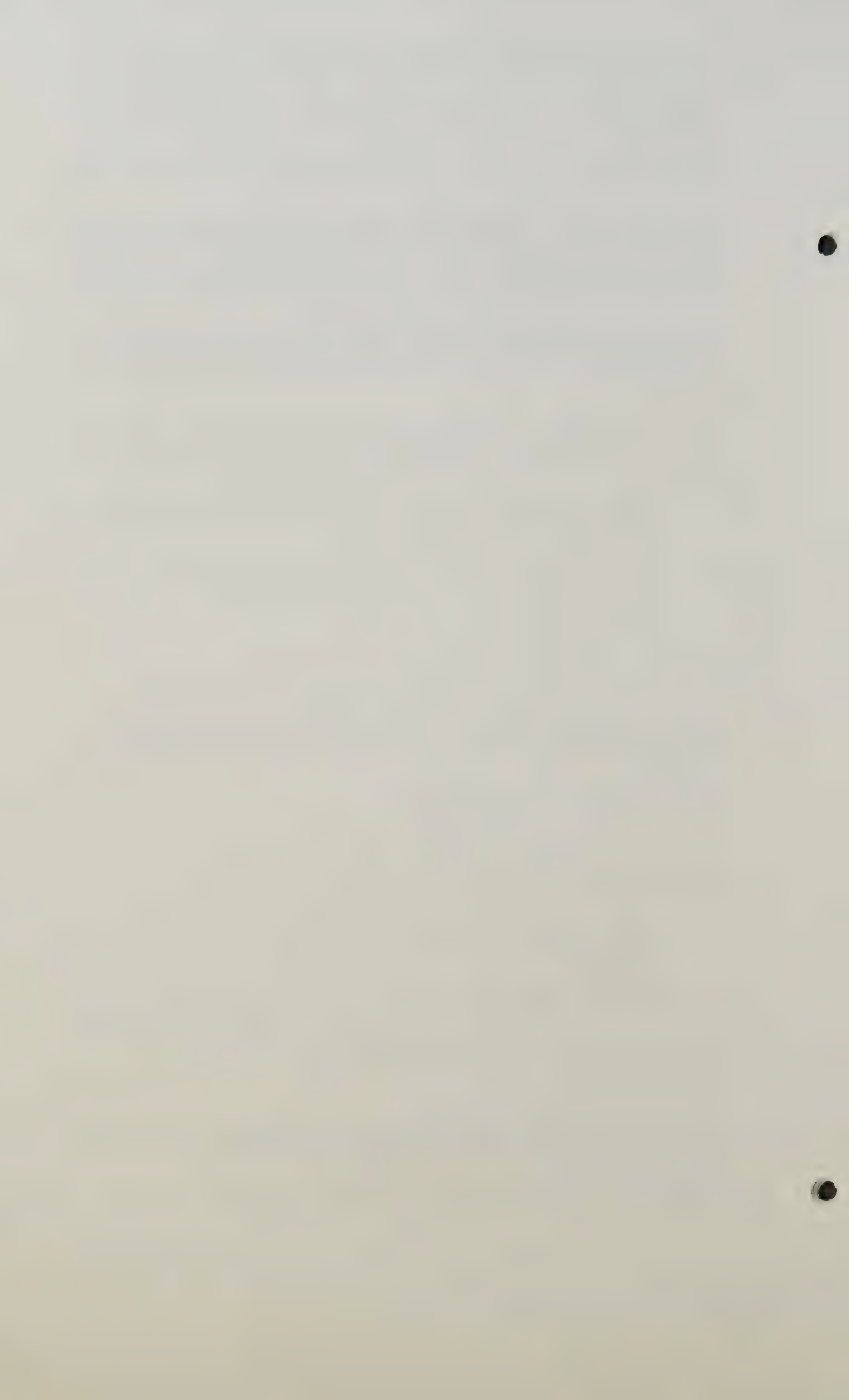
- 5. sex, age and description, including colour and placing of markings, if any;

- (b) a valid certificate of health from a Veterinarian;

- (c) a licence application.

36. Notify the Society, in writing, not later than the 10th day of each month, of the number of dogs and cats sold in the preceding month.

6. The licence fee is provided in section 23 of Schedule 45 of this by-law.



SCHEDULE 24

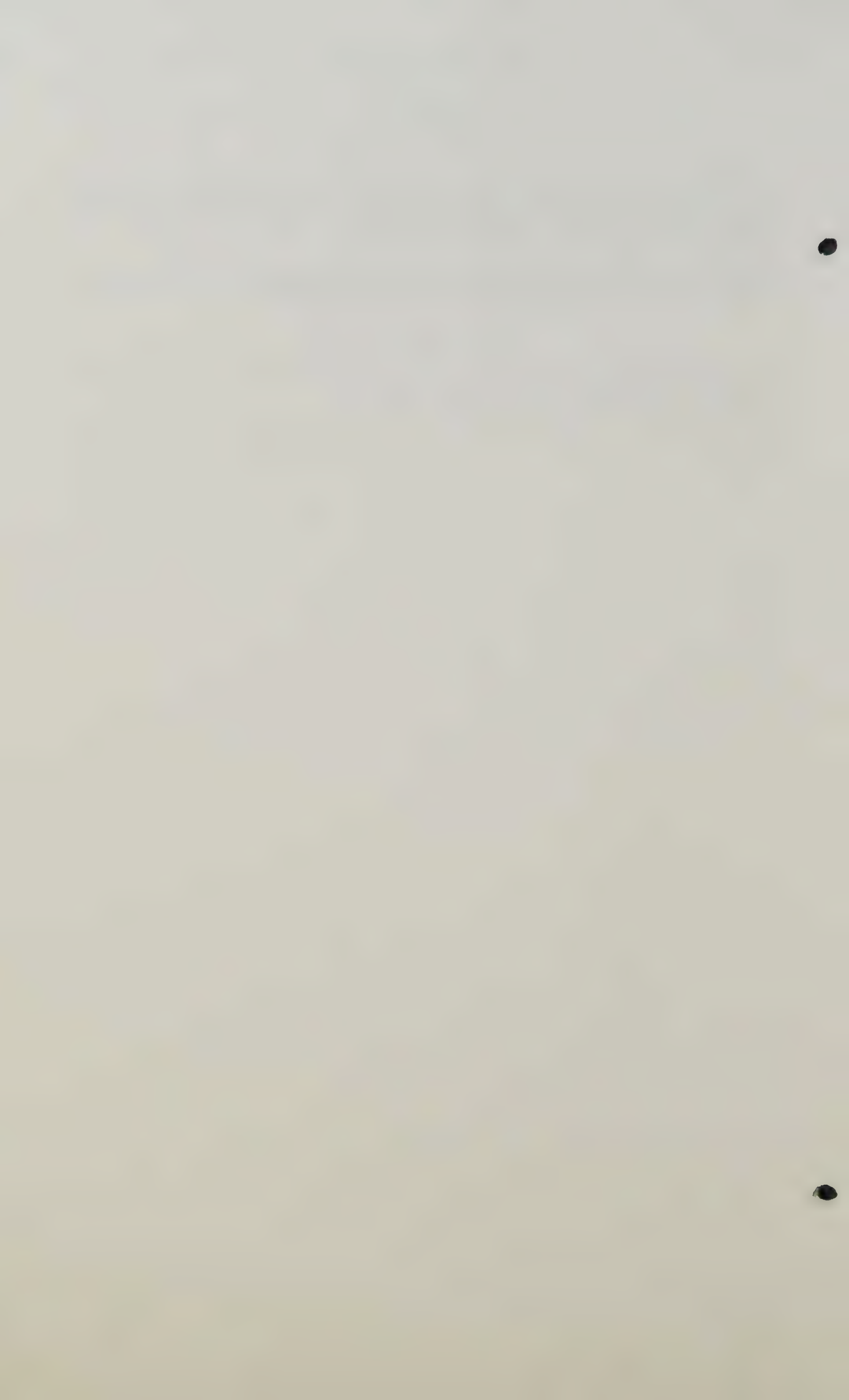
BAKE SHOPS

Application for Licence

1. (1) Every owner or operator of a shop in which baked goods are made, offered for sale, stored or sold, shall obtain and maintain in good standing a licence from the City, authorizing the use of the premises as a bake shop.
- (2) No person shall carry on, or engage in, the business or occupation of operating a bake shop, without first having obtained a licence under this Schedule.

Certificate of Medical Officer

2. No such licence shall be issued until the medical officer gives a certificate that all regulations and conditions have been fully complied with.
3. The amount of the licence fee is provided in section 24 of Schedule 45 of this by-law.



SCHEDULE 25

DRY CLEANING ESTABLISHMENTS, ETC.

Licence Required and Payment of Fee

1. No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do, use any land,

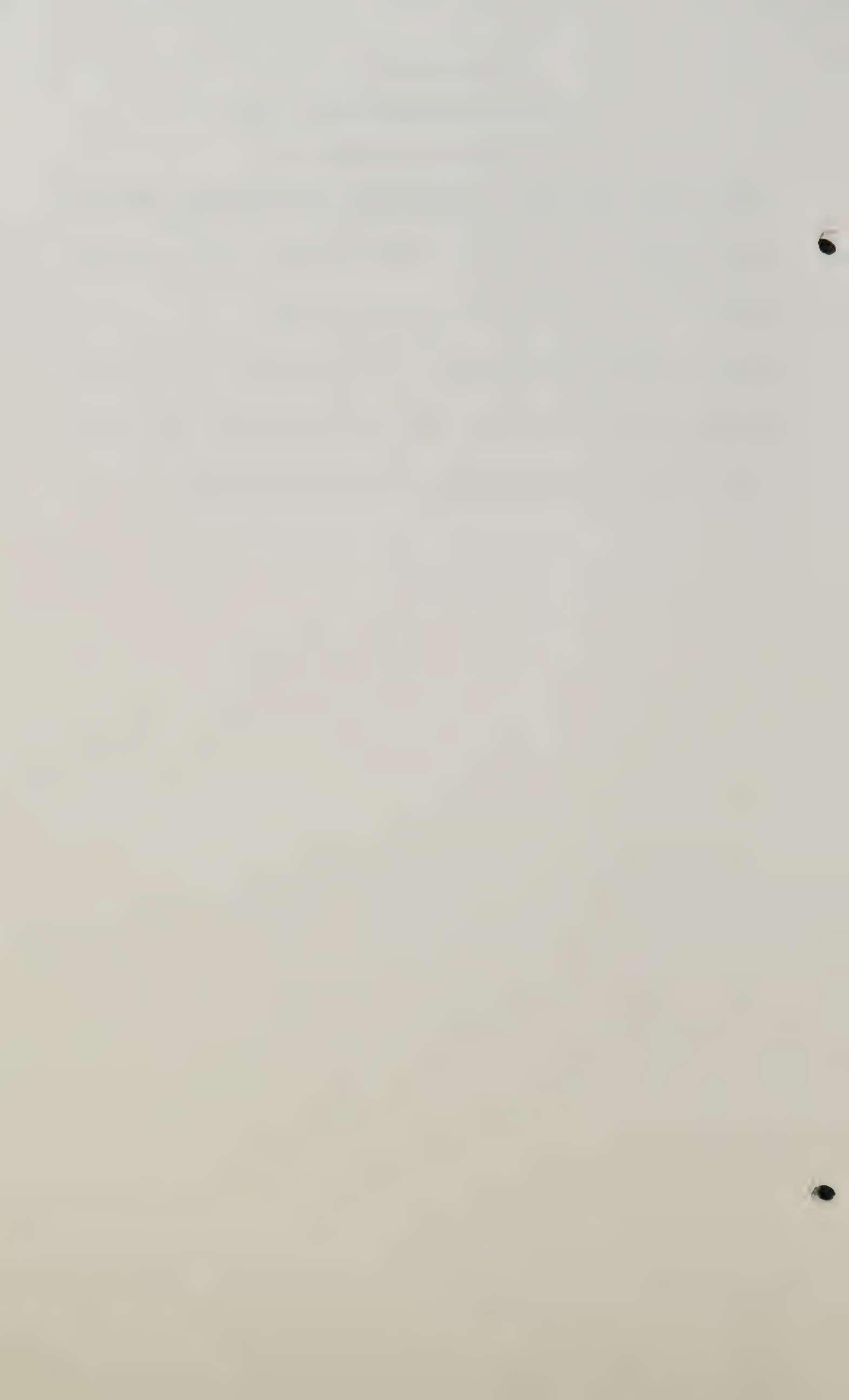
(a) for the purpose of the business of dry cleaning, dry dyeing or cleaning and pressing, including spotting or stain removing;

(b) for the purpose of the business of spotting or stain removing;

(c) for the purpose of receiving articles or goods to be subjected to any such process hereinbefore in this Schedule mentioned; or

(d) for the purpose of the distribution of articles or goods that have been subjected to any such process aforesaid.

2. The licence fees are provided in section 25 of Schedule 45 of this by-law.



SCHEDULE 26

STORAGE OF PETROLEUM AND OTHER DANGEROUS OR INFLAMMABLE SUBSTANCES

Licence Required and Payment of Fee

- 1.(1) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do, store petroleum, naphtha or other dangerous or combustible, inflammable or explosive substance in quantities of more than eleven kilograms.
- (2) Subsection (1) does not apply to motor fuel lawfully stored in an underground tank in a public garage under licence pursuant to this by-law, or to explosive lawfully stored in a magazine under licence granted pursuant to a bylaw of the City Council, or to explosive lawfully kept temporarily, under a permit from the building commissioner.
2. The licence fees are provided in section 26 of Schedule 45 of this by-law.

SCHEDULE 27

LAUNDRIES AND LAUNDRETERIAS, ETC.

Licence Required and Payment of Fee

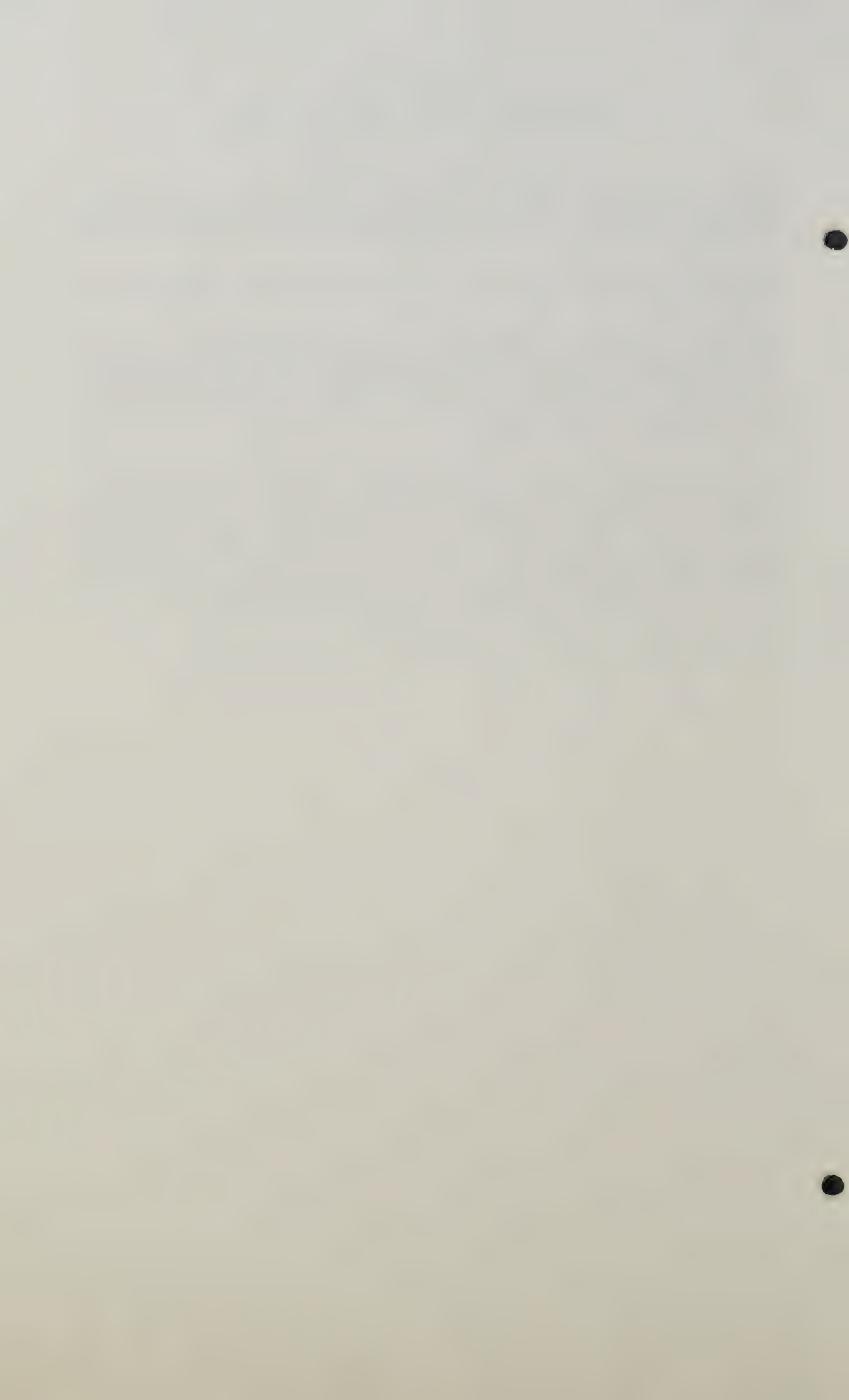
1.(1) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law entitling him so to do, carry on the business of a laundry.

(2) Subsection (1) shall not apply to or include individuals carrying on a laundry in private dwelling houses.

(3) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law entitling him so to do, carry on a laundreteria, or the business of making available to the public any of the following services or machines, namely washing machines, dryers and dry cleaning machines for use by the public, whether or not such machines are coin operated.

2. The operator of every business of making available to the public the use of any of the following services, or machines, namely, laundreterias and washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, shall be responsible to see that there is posted up with the licence certificate a notice signed by him and giving his name, address and telephone number, and the name, address and telephone number of the employee or agent who is in charge of the particular premises, if that person is other than the operator.

3. The licence fees are provided in section 27 of Schedule 45 of this by-law.



SCHEDULE 28

LODGING HOUSES

Interpretation

1. In this by-law, "lodging house" means a lodging house as defined in the licensing provisions of The Municipal Act, where sleeping accommodation is provided for four or more lodgers, and for the purposes of this by-law are classified as follows:

(a) "hostel", which means a lodging house where men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a hotel, tourist home, private hospital or nursing home;

(b) "second level lodging home" means a house as may be licensed under By-law 80-259, as amended;

(c) "ordinary lodging house", which means a lodging house primarily intended or used as a dwelling, where persons are harboured, received or lodged for hire by the week or more than a week, but not for any period of less than a week, and are accommodated without any separate kitchen, kitchenette or kitchen sink, but excepting a hotel, private hospital, public or private home for the aged, children's home or boarding school;

(d) "tourist home", which means a lodging house primarily intended or used as a dwelling, but where men and women are harboured, received or lodged for hire for a single night or for less than a week at one time, except a hotel, motel, private hospital or nursing home; and

(e) "unclassified lodging house", which means any lodging house not hereinbefore classified, the licensing of which by the council of a local municipality is authorized by the provisions of The Municipal Act.

Licence Required

2.(1) No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do, keep a lodging house.

(2) Any licence granted shall specify for what class or classes of lodging house it is granted, and no person shall carry on any class of lodging house for which he has not been granted a licence.

(3) Subject to sections 6 and 7 of this Schedule, second level lodging house licences and applications shall be dealt with under this by-law.

Miscellaneous Requirements for Lodging Houses

3.(1) Every lodging house shall be so designed, constructed and equipped as to be suitable in all respects for the purpose for which it is used or intended to be used, and, without restricting the generality of the foregoing,

(a) For every seven persons residing in a lodging house there shall be one water closet, one wash basin and one bath tub or shower bath in a separate room or compartment, and, for an additional fraction of seven, one water closet and one wash basin in a separate room or compartment.

(2) The operator of every lodging house shall be responsible,

(a) That the building and all facilities are maintained and used in accordance with the standards hereinbefore provided, and that the same and all equipment, furniture and furnishings are kept in good repair and in clean and sanitary condition, and that the normal use of all required facilities is available to all lodgers at all times;

(b) That all required means of egress are kept at all times unobstructed and properly lighted;

(c) That every bedstead is of metal, and is set up only in a suitable bedroom or dormitory, and that all bedding is at all times in clean and sanitary condition and otherwise suitable;

(d) That no room used for sleeping accommodation is used in such manner as to provide less than 600 cubic feet of air space and 75 square feet of floor space for each person of 16 years of age or over, or less than 480 cubic feet and 50 square feet of floor space for each person under the age of 16 years;

(e) That every required window is readily openable, whether there is mechanical ventilation or not;

(f) That there is available at all times a supply of running hot water to all required facilities for running hot water, from an adequate and suitable hot water tank connected wherever such water supply is available, to the water supply of the city corporation;

(g) That there is provided at all times an adequate supply of clean towels for each individual, and other customary toilet supplies, and that all water-closet accommodation and toilet accommodation is provided without extra charge;

(h) That from the first day of October until the 23rd day of May following, and at all other times when heating may be reasonably necessary for the preservation of health, the temperature of all rooms and halls shall be maintained at not less than 70 degrees Fahrenheit between eight o'clock in the forenoon and ten at night, and not less than 65 degrees Fahrenheit between ten o'clock at night and eight in the morning;

(j) That a register is kept of all residents, showing the name, sex and approximate age of each lodger, and the date of his admission and departure;

(k) That there is posted up with the licence certificate a notice signed by him and giving his name, address and telephone number, and the name, address and telephone number of the employee or agent who is in charge of the particular premises, if that person is other than the operator.

(3) The operator of every lodging house shall be responsible that every case of communicable disease or death of any lodger is promptly reported to the medical officer of health.

Inspection

4. The medical officer of health and the chief fire prevention officer may at all reasonable times make inspection of any lodging house and of the record book required to be kept and either of the said officials may delegate such duty to any competent subordinate; and any member of the police force delegated to such duty may at all reasonable times make inspection of any tourist home and of the record book required to be kept, and may at all reasonable times when occasion may require, make similar inspection of any other lodging house and record book.

5. The amount of the licence fee for a licence granted under this Schedule, except the fee for a second level lodging house licence, is provided in section 28 of Schedule 45 of this by-law.

6. The provisions of by-law 80-259, as amended, continue to apply to second level lodging houses, including the fees for licences.

7.(1) The issuance, revocation and administration of second level lodging house licences shall be dealt with under the provisions of this by-law.

(2) Sections 3 through 5 of this Schedule, both inclusive, shall not apply to second level lodging houses.

SCHEDULE 29

MASSAGISTS

Licence Required and Payment of Fee

1. No person shall, in the City of Hamilton, without first paying the amount of the licence fee and obtaining a licence under this Schedule, entitling him so to do, engage in the occupation of a massagist.
- 1a. No licence shall be issued until the applicant applying for a licence produces satisfactory proof that the applicant is registered for the year during which the licence is in force with the Board of Directors of Masseurs.
2. Every massage parlour shall be sufficiently suitable for the purpose, and the operator of the same shall be responsible that it is open for inspection at all reasonable times, by the medical officer of health or by an inspector acting under his or her instructions.
3. The amount of the licence fee is provided in section 29 of Schedule 45 of this by-law.

SCHEDULE 30

PAWNBROKERS

Application for Licence

1. No person shall engage in the occupation or business of a pawnbroker, without paying the amount of the licence fee, and obtaining a licence under this Schedule and as prescribed by the Pawnbrokers Act, R.S.O. 1990, c. P.6 entitling him or her so to do.
2. No licence certificate for a licence granted under the provisions of this Schedule shall be issued except under the hand of the city treasurer, acknowledging receipt of the amount of the licence fee, and of the security required by the said Act to be furnished to the municipality to the satisfaction of the city treasurer.
3. The amount of the licence fee is provided in section 30 of Schedule 45 of this by-law.

SCHEDULE 31

PUBLIC BATHS

Licence Required

1. No person shall, in the City of Hamilton, keep any class or classes of public bath premises operated for profit, without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do.
2. The amount of the licence fee is provided in section 31 of Schedule 45 of this by-law.

SCHEDULE 32

PUBLIC GARAGES

1. In this by-law,

(a) "public garage" means a public garage within the meaning of the licensing provisions of The Municipal Act.

2.(1) No person shall in the City of Hamilton, carry on the business of a public garage without first paying the amount of the licence fee and obtaining a licence under this by-law, entitling him so to do.

(2) Every person required to obtain a licence under this Schedule shall be required to obtain a separate licence with respect to every class of public garage carried on, and with respect to every separate premises.

(3) Every licence is personal to the holder thereof and is not transferable.

Classes of Licence

3.(1) Any licence entitles the licensee to carry on only such class or classes of public garage as may be specified, and the licensee shall not be entitled to carry on or engage in any class of public garage for which he has not been granted a licence.

(2) The various classes of public garage shall be as follows:

(a) "Garage A" a building or place where motor vehicles are stored or kept for sale;

(b)(i) "Garage B1" a building or place used as a motor vehicle repair shop, including body and fender repairs;

(ii) "Garage B2" a building or place used as a motor vehicle repair shop excepting body and fender repairs; and

(iii) "Garage B3" a building or place used as a motor vehicle repair shop for body and fender repairs only;

(c) "Garage C" an automobile service station within the meaning of the licensing provisions of The Municipal Act, or a building or place where gasoline or oils are stored or kept for sale, except a retail store where any such gasoline or oils are sold in sealed containers only;

(d) "Garage D" a parking station or a parking lot; Provided that the renting of parking space for not more than five motor vehicles, by the operator of an automobile service station licensed as such under this by-law, shall not be deemed to bring any such automobile service station within this class;

(e) "Garage E" a building or place used for washing or cleaning motor vehicles, excepting a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day.

3a.(1) For the purpose of this section, "car wash" means a building or place used for washing or cleaning motor vehicles as defined in paragraph 3(2)(e).

(2) "car wash, manual", shall mean a vehicle wash wherein the motor vehicle does not move during washing or is washed only manually by a person but without insertion of a coin into a vending machine or receptacle to commence or continue the washing process.

(3) "car wash, mechanical", shall mean a vehicle wash wherein the vehicle is driven or towed into the washing bay and does not move during any one or more phases of the washing process and is washed by equipment that is stationary or moves about the vehicle, but without the insertion of a coin into a vending machine or receptacle to commence or continue the washing process.

(4) "car wash, coin-operated", shall mean a vehicle wash wherein the vehicle is washed either manually or mechanically only upon the insertion of a coin in a vending machine or receptacle to commence or continue the washing process.

(5) "car wash, high-speed mechanical", shall mean a vehicle wash wherein the vehicle is moved by, on, or along a conveyor system during different phases of the washing process.

Application for Licence

4.(1) Every application for a public garage licence shall be in writing and shall show the applicant's name and postal address, the name and address of the public garage or proposed public garage, the class or classes of licence applied for, and a sufficient description of the premises used or proposed to be used, together with sufficient particulars of his arrangements for carrying on the business, and shall be made to the City Council by filing it at the office of the city clerk, together with six true copies.

(2) Save where a similar licence was in force for the previous year with respect to the same premises and there is no change in the relevant information, the application shall be accompanied by a satisfactory plot plan signed by the applicant, with six true copies, based on a registered plan of survey if any, and otherwise in accordance with the actual property lines, drawn to a scale of ten feet to the inch where the area of the site is 25,000 square feet or less, and otherwise to a scale of twenty feet to the inch.

(3) In the case of a parking lot, the plan shall be substantially in accordance with the form of plot plan and showing,

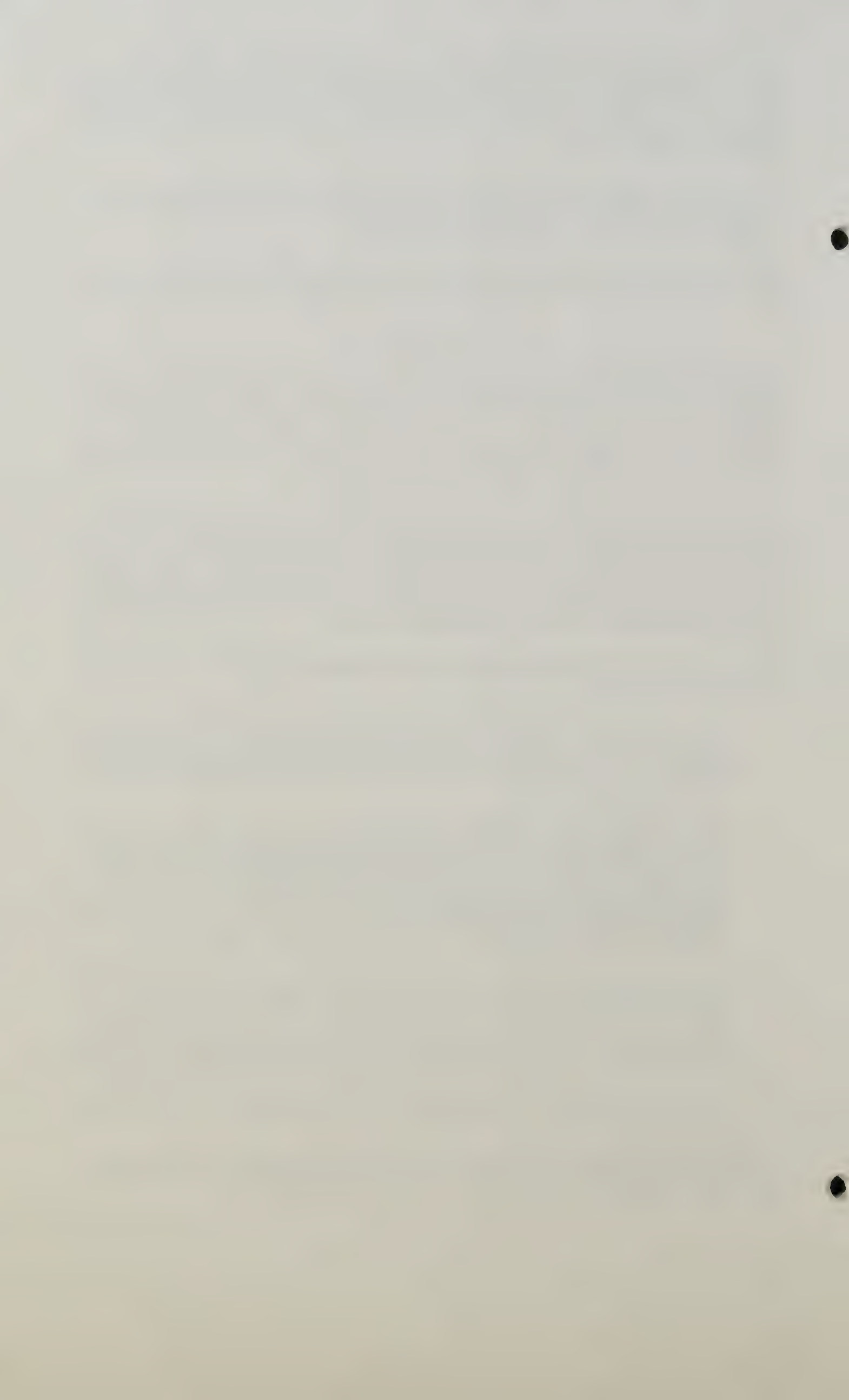
(a) Location of the premises, position of adjacent street lines, sidewalks, boulevards, fire hydrants, poles and driveways, and the position and type of use of adjacent buildings, structures and premises, all according to scale and including an indication of the north point;

(b) The drainage system and type and specifications of surfacing of all outdoor areas to which motor vehicles will have access, together with complete grade levels and the location and dimensions of all catch-basins and other drainage facilities, the location and dimensions of all fuel pumps and islands, and of all barriers, signs, poles, trees, buildings, structures and things above the level of the paving, and of all access driveways, manoeuvring space and parking spaces, entrances, exits and ramps;

(c) In the case of any building or structure, the location of the vehicular and pedestrian entrances and exits, the entrance and exit driveways, the location and grade of ramps within the premises giving access to or from the ground level, the location and size of receiving and exit areas, and where parking tickets or car washing tickets are to be issued, the location and nature of ticket-issuing points; and

(d) Landscaping where such is required by Zoning By-law No. 6593 and any amendments thereto.

(4) The form of every plot plan other than one for a parking lot shall also be in accordance with the scale and general principles above provided for parking lots.



5. Whenever a licence has been granted for any public garage and the business so authorized has not yet been commenced as a regular business within one calendar year following the issuing of the licence, a public garage licence shall not again be issued for the location in question unless and until a new application has been made and the circumstances of the delay dealt with in a report to City Council accompanying the application for a new licence; and in the case of every public garage licence issued, the following words shall appear on the face of the licence:

"If the business authorized by this licence has not been commenced on a regular basis within twelve months from date of issue, a new licence will not be issued until the circumstances of the delay have been reviewed by the City Council."

Miscellaneous Regulations for All Public Garages

6.(1) Every public garage shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and without restricting the generality of the foregoing,

(a) All grades and drainage facilities shall be such as to prevent drainage to any street, sidewalk or other adjoining land;

(b) All lighting facilities shall be such as not to cause annoyance from direct glare, to persons on the street or on adjoining land;

(c) All means of ingress and egress shall be in accordance with the plans submitted with the application for licence, or as subsequently authorized and, wherever there is a public sidewalk or curb, shall be by means of an approach ramp installed in accordance with the provisions of the Streets By-law; and

(d) Every sign shall be so located, and shall have such content, colour and design as not to create any unusual hazard or confusion to any pedestrian or to any driver of a motor vehicle.

(2) The operator of every public garage shall be responsible,

(a) that all signs and required facilities are maintained in conformity with the requirements hereinbefore set forth;

(b) that save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, no part of any street, public lane or other public place is used for the parking or manoeuvring of motor vehicles, or in any other manner as if it were part of the public garage premises;

(c) that there is no outside storage except of whole motor vehicles in operating condition;

(d) that the premises are kept in an orderly and clean condition, without any scrap, debris or refuse left lying about; and

(e) that prompt report is made to the chief constable, of any motor vehicle which he may have reason to suspect is either stolen or abandoned.

Additional Requirements for Parking Stations and Parking Lots

7.(1) Every parking station and parking lot shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,

(a) All outside areas to which motor vehicles will have access shall be suitably surfaced with,

- (i) hot-mix asphalt on macadam base; or
- (ii) asphalt penetration top on macadam base; or
- (iii) concrete; or
- (iv) crushed stone or slag suitably treated so as to make it dust-free, and to prevent it from spilling or spreading into any street or other adjoining land; or
- (v) other as suitable material;

(b) Save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking spaces and all outside areas to which motor vehicles have access, except exits and entrances, shall be provided with barriers at least twenty inches high, so designed, constructed, located and otherwise suitable as to prevent any part of a motor vehicle from projecting over any part of a street, public lane or other public place, or within three inches of the boundary of any other adjoining land;

(c) There shall be provided at each entrance where it may readily be seen by every driver of a motor vehicle about to enter the premises, a suitable sign no nearer to the ground than seven feet, and no farther from the ground than twelve feet, bearing in clear and legible letters and figures no less than four and no more than twelve inches high, the name of the operator, his business address, and the hours and rates for the parking of motor vehicles; and

(d) There shall be provided the required sanitary facilities except where the medical officer of health is satisfied that they are not necessary and has given a written waiver which remains unrevoked.

(2) The operator of every parking station and parking lot shall be responsible,

(a) that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth;

(b) that every entrance, exit, and access aisle is kept unobstructed for its full length and width, and that all entry, parking and discharge of vehicles is conducted only as indicated on the plans submitted with the application for licence or as subsequently authorized; Provided that this clause shall not be deemed to prohibit a suitable ticket office or automatic control device which does not contribute to congestion or unreasonably obstruct any means of ingress or egress;

(c) that except in the case of a metered or automatically controlled parking station or parking lot, a competent attendant is on duty at all times during business hours as indicated on the sign;

(d) that while no parking spaces are available, a suitable notice announcing that fact is prominently displayed at the entrance; and

(e) that no person is allowed to loiter about the premises.

Additional Requirements for Sales Lots

8.(1) Every place where motor vehicles are stored or kept for sale shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing,

(a) All outside areas to which motor vehicles will have access shall be suitably surfaced with asphalt or concrete, or with crushed stone or slag or other as suitable material so treated as to make it dust free and prevent it from spilling or spreading onto any street or other adjoining land; and

(b) Save as may be otherwise lawfully authorized by a licence to use part of the boulevard for the parking of vehicles and motor vehicles, all parking or storage areas shall be equipped with barriers as hereinbefore required for a parking lot, so designed, constructed and located, and otherwise suitable, as to prevent any part of a motor vehicle from projecting over any part of a street allowance or public lane, or within three inches of the boundary of any other adjoining land.

(2) The operator of every place where motor vehicles are stored or kept for sale shall be responsible,

(a) that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth.

9. Every building or place used for washing or cleaning motor vehicles, except a licensed public garage without special equipment capable of washing or cleaning more than fifteen motor vehicles in one day, shall be in all respects suitable for the purpose, and, without restricting the generality of the foregoing,

(a) Wash-racks. Every wash-rack and other equipment for washing or cleaning motor vehicles, except steam-cleaning equipment, shall be located within a building; and

(b) Surfacing. All outside areas to which motor vehicles will have access shall be suitably surfaced with,

(i) hot-mix asphalt on macadam base; or

(ii) concrete; or

(iii) other as hard-surfaced and otherwise suitable material not including loose crushed stone or slag.

10. The licence fees are provided in section 32 of Schedule 45 of this by-law.

SCHEDULE 40

SPECIAL SALES

1. In this Schedule,

(a) "special sale" means any sale or intended sale at retail described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof:

bankrupt	moving out	fire
insolvent	selling out	smoke
trustee	lease expiring	water damage
receiver	closing out	creditor
liquidation	discontinuing	forced

or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business.

2.(1) No person shall sell, offer for sale, or advertise for sale in any way, any goods, wares or merchandise by way of a special sale without a licence entitling him so to do.

(2) Every licensee shall sell, offer for sale, or advertise for sale only those goods, wares or merchandise that are listed in the application for a licence or in the application for a renewal of a licence.

3. Every person intending to conduct a special sale shall complete and file an application in writing in Form 1 hereto annexed as Appendix "A".

4. Every application for a licence shall include the following information:

(a) Name, address, age, occupation and place of employment or place of business of the applicant;

(b) Location of goods, place and date or dates of special sale;

(c) Detailed list of goods, wares or merchandise to be offered for sale, including the cost price to the owner thereof and approximate retail value;

(d) Name and address of person or persons from whom goods purchased and date or dates of purchase;

(e) Particulars of ownership of such goods if not owned by the applicant and relationship, if any, between owner and applicant;

(f) Particulars of any damage or other deterioration caused to goods by fire, smoke, water or any other means;

(g) Particulars of the information to be contained in any sign, pamphlet, handbill or other advertisement to be displayed, distributed, announced or published by any means before or during the sale, purporting to indicate the reason for such sale.

5.(1) Every application shall be verified by a Statutory Declaration of the applicant in Form 2, hereto annexed as Appendix "B".

(2) Where the applicant is not the owner of the goods, wares or merchandise, the application shall be verified by a Statutory Declaration of the owner of the goods, wares or merchandise.

6. The applicant shall produce such books, records or other documents or information as the Licence Committee may consider necessary to corroborate the information contained in the application and shall permit the Chief Licence Inspector or a licence inspector to inspect the goods to be sold and to enter and inspect the premises in which such goods are located or in which the sale will be held.

7. Where the Licence Committee is unable to satisfy itself that the facts are in accordance with the Statutory Declaration, the Licence Committee may not issue a licence.

8.(1) Except as provided in subsection (2), every licence issued under this by-law shall be effective from the date of sale shown on the application and shall expire 30 days after the date.

(2) Upon application by the licensee, City Council may:

(a) prior to the expiry of the time mentioned in subsection (1), extend the expiry date of the licence a further 30 days;

(b) prior to the expiry of the further 30 days mentioned in clause (a), extend the expiry date of the licence a further 30 days;

(c) prior to the expiry of the time mentioned in clause (b), extend the expiry date for a further 30 days,

for the further sale of any remaining goods, wares or merchandise described in the original application for a licence.

(3) The applications made under subsection (2) shall contain a detailed list of the goods, wares or merchandise remaining to be sold and shall be verified by a completed Statutory Declaration in Form 3, hereto annexed as Appendix "C".

9. All goods, wares and merchandise for which a licence is issued under this by-law shall be offered for sale:

(a) in a manner physically separating on the premises, the location, area or display of the goods, wares and merchandise offered for sale from any other goods, wares or merchandise not subject to special sale;

(b) in a manner that identifies clearly and conspicuously:

(i) the location, area or display in premises where the goods, wares or merchandise are offered for sale;

(ii) the particular itemized goods, wares and merchandise offered for sale;

(iii) the particular class of special sale for which a licence is issued.

10. The Licence Administrator, if he or she is satisfied that:

(a) any licensee is selling goods, wares or merchandise by way of special sale and not included in the licensee's application; or

(b) the licensee has received his licence upon an application containing false information; or

(c) the licensee has failed to comply with either of sections 9, 14 or 15 hereof,

shall, forthwith, schedule a hearing before the Licence Committee to revoke any licence issued hereunder.

11. The licensee shall permit the inspection, during the currency of the licence, at any time when the premises in respect of which the licence is issued are open for business, to enter and to inspect the premises and the goods to be sold.

12.(1) All advertising material distributed or published in respect to a special sale shall contain statements:

1. Identifying the particular class of special sale.

2. Setting forth that the special sale is held under the authority of By-law No. 66-289 of The Corporation of the City of Hamilton.

3. Whether the special sale deals with all or part of the goods, wares or merchandise located at the premises where the special sale is proposed to be held.

4. That the goods, wares or merchandise in respect of which the licence was issued under this by-law are clearly identifiable at the premises where the special sale is proposed to be held.

(2) The same statements referred to in subsection (1) shall be prominently displayed on the premises at which the special sale is held.

13. This by-law does not apply to a sale by or under the authority of;

(a) a receiver or trustee under The Bankruptcy Act (Canada) or a liquidator under The Winding-up Act (Canada);

(b) a court or a receiver appointed by a court;

(c) a bailiff, sheriff, executor or administrator; or

(d) a receiver, liquidator or trustee under any general or special Act.

14. The licence fees are provided in section 40 of Schedule 45 of this by-law.

SCHEDULE 41

PRECIOUS METALS AND OLD JEWELLERY DEALERS

Interpretation

1. In this schedule,

- (a) "goods" means old gold and other precious metals and old jewellery or other articles that may be smelted and from which gold may be recovered;
- (b) "metals dealer" means a person who for hire or gain purchases or deals in old gold and other precious metals and old jewellery or other articles for the purpose of smelting the same and recovering gold;
- (c) "precious metals" includes silver and platinum.

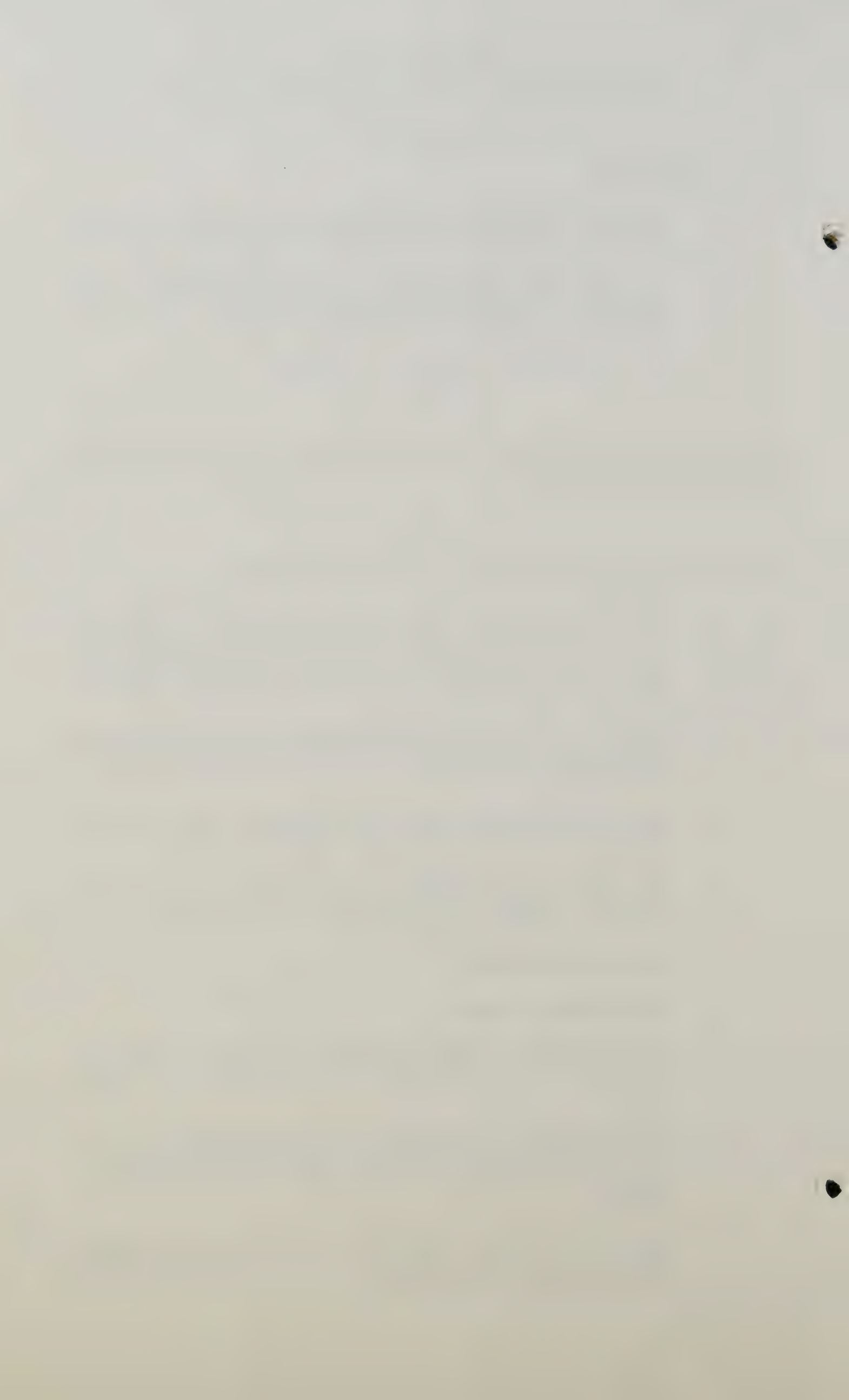
Licence Required

2. Except where the person holds a current and valid licence issued under Schedule 30 of this by-law, no person shall carry on business as a metals dealer without a licence under this by-law, entitling him so to do.

Duties of Metals Dealers

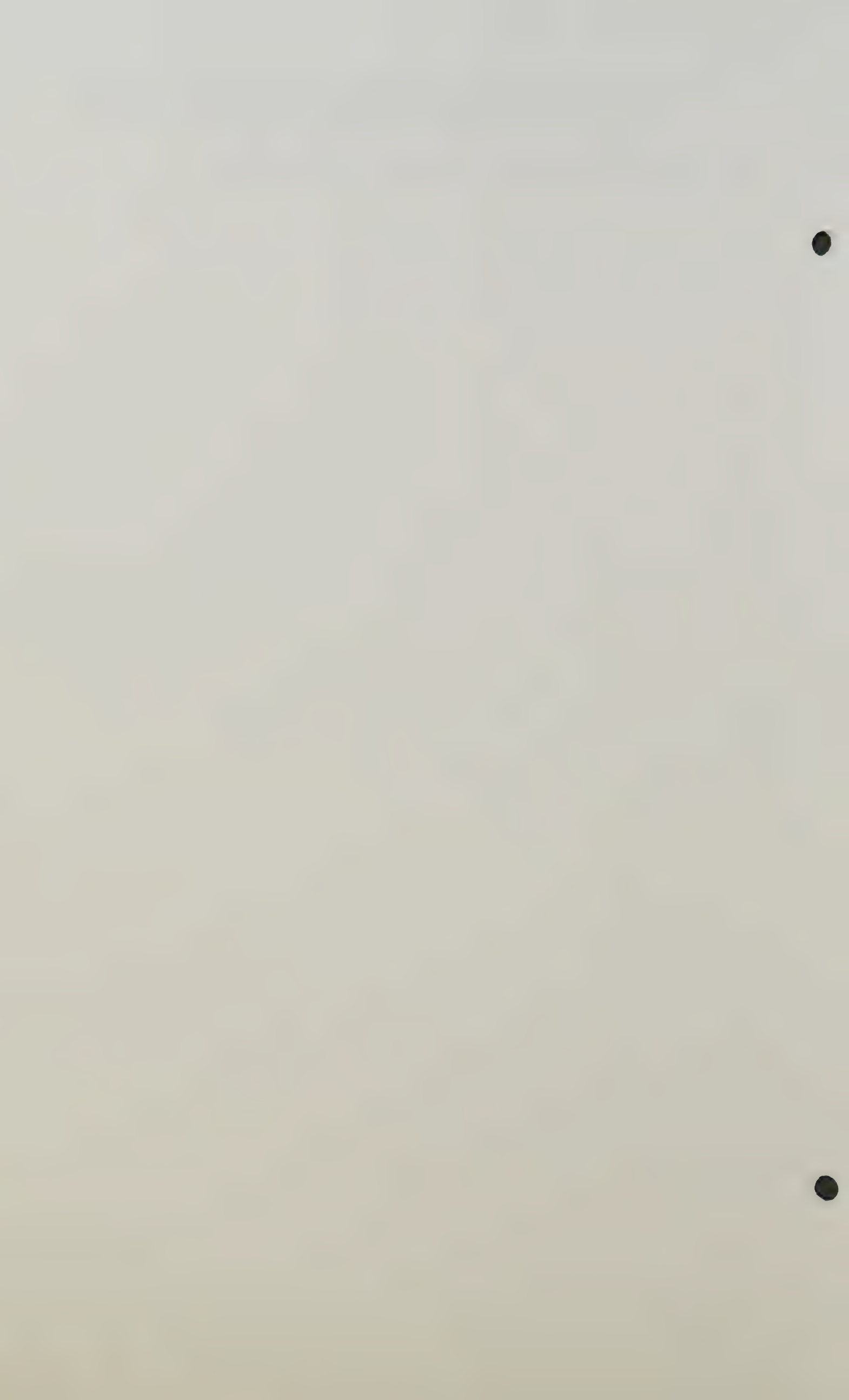
3. Every metals dealer shall comply with the following regulations:

- 1. Not alter, repair, change or dispose of or give up possession or give up control or in any way part with any goods purchased or taken in exchange or otherwise acquired, from any person until after the expiration of fifteen clear days, exclusive of Sundays and public holidays from the date of purchase, exchange or other acquisition.
- 2. Keep the goods at all times on the licensed premises for the period of fifteen clear days referred to in regulation 1, from the date of purchase, exchange or other acquisition.
- 3. Keep the goods on the licensed premises separate from any other goods previously purchased, taken in exchange or otherwise acquired.
- 4. Not purchase, take in exchange or otherwise acquire any goods for the purpose of smelting the goods and recovering any gold or other precious metals, from any person apparently under,
 - (a) the age of 18 years; or
 - (b) the influence of liquor.
- 5. Keep and maintain a separate and bound record book approved by the Licensing Committee, entitled "Old Gold, Precious Metals and Jewellery Register".
- 6. Keep and maintain in the record book referred to in regulation 5, a record only of the purchases, exchanges or other acquisitions of goods transacted in whole or in part, directly or indirectly, in the municipality of the City of Hamilton.
- 7. Enter into the record book referred to in regulation 5, in the English language, legibly written in indelible ink, a record of all goods purchased, taken in exchange or otherwise acquired.



8. Enter into the record book referred to in regulation 5, an accurate description of the goods sufficient to identify the goods, including:
 - (a) the quantity, colour, type and commonly known name and trade name, if any;
 - (b) the name of the maker, manufacturer or any other name and any initials, description of trademark, crest or other symbol, dates and any other inscribed marking;
 - (c) the name, address, full particulars of identification and description of the person from whom the purchase or acquisition, or with whom the exchange was made;
 - (d) the price or other consideration for the goods and a description of the consideration; and
 - (e) the date and exact time the goods were purchased, exchanged or otherwise acquired.
9. Make the entry referred to in regulations 7 and 8, at the time the goods are purchased, exchanged or otherwise acquired.
10. Not remove, render illegible, alter or vary or in any way change any entry referred to in regulations 7 and 8 at any time, without the prior approval of the Licensing Committee.
11. Not remove any page or part thereof from the record book.
12. Not mutilate or otherwise render unreadable, the record book.
13. Not remove the record book from the municipality of the City of Hamilton, without the prior approval of the Licensing Committee.
14. Complete a record card in duplicate for each purchase, exchange or other acquisition, in form and content in accordance with Form 1 at the time an entry is made in the record book and file the duplicate copy with the Chief Constable.
15. Retain the original record card on file.
16. Deliver the duplicate copy of the record cards to the Chief Constable not later than two o'clock in the afternoon on the same day that the entry was made in the record book.
17. Produce the record book immediately upon demand by the Chief Licence Inspector, a licence inspector or a police constable for the purpose of such inspection and reproduction of content as may be required.
18. Produce the goods recorded or required to be recorded in the record book and kept on the premises in accordance with this schedule, immediately upon demand by the Chief Licence Inspector, a licence inspector or a police constable for the purpose of inspection.
19. (Repealed).
20. Carry on the business of a metals dealer only at the place, location or site identified in the licence.

21. Keep and maintain the place, location or site separate and apart from any other trade, calling, business or occupation carried on upon the premises, by means of counters, partitions, walls or other like barriers.
4. The licence fee is provided in section 41 of Schedule 45 of this by-law.



SCHEDULE 42
BUILDING EXTERIOR CLEANER

1. In this Schedule,

- (a) "building exterior cleaner" means a sandblaster, or other person who for gain uses a cleanser to clean or restore the exteriors of buildings or other structures;
- (b) "cleanser" means chemicals or pressurized air, water, steam, sand or other abrasive;
- (c) "weekdays" means days of the week excluding Saturdays and Sundays;
- (d) "work area" means the area exterior to a building or structure being cleaned or restored that is occupied by a building exterior cleaner.

Licence Required

2. No person shall carry on business of building exterior cleaner without a licence under this by-law entitling him so to do.

Duties of Building Exterior Cleaners

3. Every building exterior cleaner shall comply with the following regulations:

- 1. Provide and maintain barriers separating the work area from pedestrian traffic in the vicinity of the work area.
- 2. Use barriers or other mechanical means to prevent any cleanser from spreading or diffusing beyond the work area.
- 3. Keep and maintain public property adjacent to the work area free and clear of building debris and other materials which are used, created or distributed during the course of the work performed.
- 4. Perform an inspection and clean up, after each work day and after the completion of the work, to remove all debris, sand, abrasive, residue, precipitant, solids, liquids or material which are used, created or distributed during the course of the work performed, from public or private property adjacent to or in the vicinity of the work area.

3a.(1) Every building exterior cleaner shall by notice in writing delivered to the Licence Administrator at least 7 days before commencing to use any cleanser on any building or structure, identify the location of the building or structure and the date and time that use of any cleanser will commence.

(2) Every building exterior cleaner shall in the notice or at any time prior to commencing use of the cleanser, identify particulars of the cleanser, and the manner of its application.

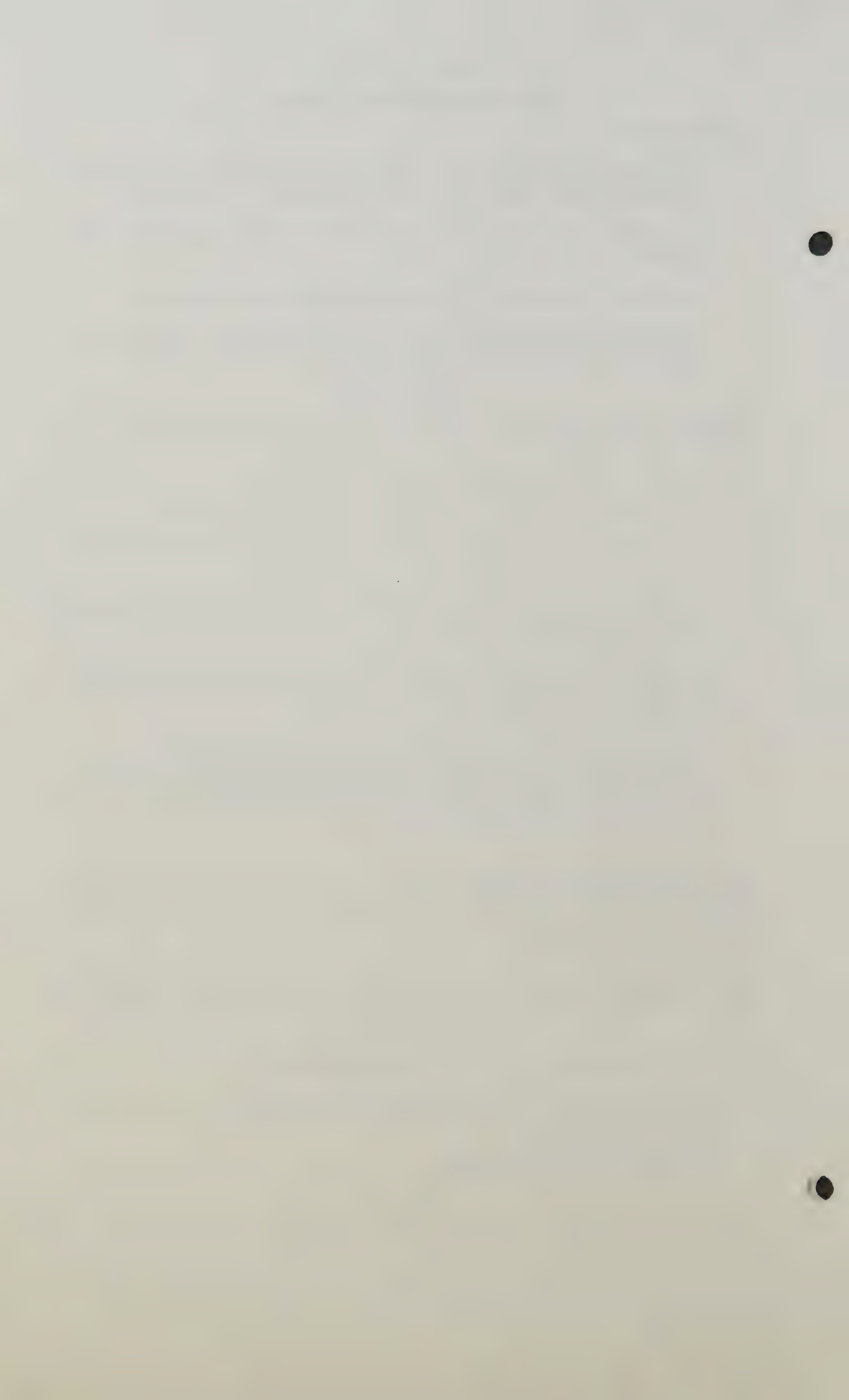
Hours of Operation

4.(1) Every building exterior cleaner shall cease using cleanser on:

- (a) weekdays between 5:30 o'clock in the afternoon and 8:30 o'clock in the forenoon of the following day; and
- (b) Saturday, Sunday and Holidays.

Licence Fees

5. The amount of licence fee is provided in section 42 of Schedule 45 of this by-law.



SCHEDULE 43

FLEA MARKETS

1. In this Schedule,

- (a) "chief building official" means the chief building official appointed under the Building Code;
- (b) "flea market" means a place, building, or structure on or in which are situated stands at which trades, callings, businesses or occupations are carried on by separate vendors;
- (c) "owner" means a person carrying on or engaging in the business or occupation of operating a flea market and includes a manager, operator, agent and representative;
- (d) "patron" means a person who has entered upon the premises of the flea market;
- (e) "place" includes land and premises on a part of which a building or structure may or may not be situate;
- (f) "stallholder" means a person carrying on or engaging in the business or occupation of operating a stand;
- (g) "stand" means an area in the flea market at which new or used goods are exposed or offered for sale.

2.(1) Every flea market owner shall obtain a licence from the City authorizing the owner to carry on or engage in the business of operating a flea market.

(2) Every stallholder shall obtain a licence from the City authorizing the stallholder to carry on the business of operating a stand, unless otherwise licensed by the City for the sale of goods offered for sale or sold at a stand.

3. No person referred to in section 2 shall carry on or engage in his or her business or occupation unless a licence has been issued and is in force.

3a. A flea market owner, before agreeing to make a stand available for a stallholder's business, shall require the stallholder to produce a current and valid licence for a stand in the market, issued under this Schedule.

4. Every applicant for a licence, or a renewal of a licence shall attend at the office of the Issuer of Licences and make and file an application in person and not by his or her agent or representative.

5.(1) Every applicant who is a flea market owner shall fully complete an application for a licence.

(2) Every applicant who is a stallholder shall fully complete an application for a licence.

6.(1) In addition to any other information required under this by-law, every flea market owner shall provide, with his or her application, a suitable site plan of the flea market satisfactory to the chief building official and Licence Committee, showing,

- (a) the location and dimensions of the place, building or structure and location of stands; and
- (b) the location and number of parking spaces provided for patrons lawfully accommodated.



(2) No licence shall be issued to a flea market owner and no licence shall be renewed to a flea market owner where the owner fails to provide the site plan at the time of application or renewal, in accordance with subsection (1).

7.(1) Every applicant who is a flea market owner shall comply with the following regulations:

1. The flea market must be kept and maintained in an orderly and clean condition, free at all times from debris and waste of any kind.

2. A written list of stallholders, including names, addresses, type or classes of goods which are offered for sale or sold, and the date of the commencement and termination of the use of each stand, must be deposited with the Issuer of Licences at the end of each month.

3. Inspection of the flea market by a Licence Inspector for the purpose of determining compliance with this by-law must be permitted at any reasonable hour.

(2) Every flea market owner and stallholder shall open not earlier than 10:00 o'clock in the forenoon and close not later than 5:00 o'clock in the afternoon of the same day, and shall remain closed during other hours of the day.

8. No licence shall be re-issued or renewed where any owner has failed to comply at any time with any provision of this Schedule.

9.(1) A licence issued under this Schedule shall be for a period of one calendar year.

(2) Every licence shall expire on the last date of the calendar year.

(3) Every licence fee shall be paid for the whole of the year for which the licence is issued.

10. The licence fees are provided in section 43 of Schedule of this by-law.

SCHEDULE 44

Appendixes and Forms

FORM 1 (APPENDIX "A") TO SCHEDULE 4 : OWNER APPLICATION

FORM 2 (APPENDIX "B") TO SCHEDULE 4 : DRIVER APPLICATION

FORM 3 (APPENDIX "C") TO SCHEDULE 4 : TRANSFER OF PLATE

FORM 4 (APPENDIX "D") TO SCHEDULE 4 : LIMITED INTEREST AGREEMENT

FORM 5 (APPENDIX "E") TO SCHEDULE 4 : TRIP SHEET

FORM 2 (APPENDIX "A") TO SCHEDULE 4a : APPLICATION

FORM 5 (APPENDIX "B") TO SCHEDULE 4a : TRIP SHEET

FORM 1 (APPENDIX "A") TO SCHEDULE 20 : SIGN

FORM 1 (APPENDIX "A") TO SCHEDULE 40: APPLICATION

FORM 2 (APPENDIX "B") TO SCHEDULE 40: STATUTORY DECLARATION

FORM 3 (APPENDIX "C") TO SCHEDULE 40: STATUTORY DECLARATION
EXTENSION

FORM 1 (APPENDIX "A") TO SCHEDULE 41: RECORD CARD





FORM 1
APPENDIX "A" TO SCHEDULE 4
OWNER APPLICATION

J.J. SCHATZ
CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

APPLICATION AND STATUTORY DECLARATION
FOR A PRIVATE CAB OWNER LICENCE

(Please Print)

NAME _____
SURNAME CHRISTIAN OR GIVEN NAME

ADDRESS _____

NAME AND ADDRESS OF BROKER YOU WILL BE ASSOCIATED WITH IF GRANTED A LICENCE

I HEREBY DECLARE THAT I HAVE NOT GRANTED, ASSIGNED, CONVEYED, TRANSFERRED OR OTHERWISE PASSED ON BY SALE, GIFT OR OTHERWISE, THE USE OR POSSESSION OF ANY OTHER LICENCE ISSUED TO ME FOR A PERIOD OF NOT LESS THAN TWO CONSECUTIVE YEARS IMMEDIATELY PRECEDING THE DATE OF CONSIDERATION OF THIS APPLICATION BY THE LICENCE COMMITTEE.

I HEREBY FURTHER DECLARE THAT I AM EMPLOYED FULL-TIME (AS DEFINED IN SECTION 25(2)(A,B) OF BY-LAW 89-249, AS AMENDED BY BY-LAW 89-316) AS A: (Check One)

TAXICAB OWNER (), DRIVER (), DISPATCHER (), TELEPHONE SERVICE OPERATOR ()

AND HAVE BEEN EMPLOYED FOR A PERIOD OF NOT LESS THAN TWO YEARS IMMEDIATELY PRECEDING THE DATE OF CONSIDERATION OF THIS APPLICATION BY THE LICENCE COMMITTEE.

ARE YOU PRESENTLY EMPLOYED OTHER THAN IN THE TAXICAB INDUSTRY _____

NAME OF EMPLOYER _____

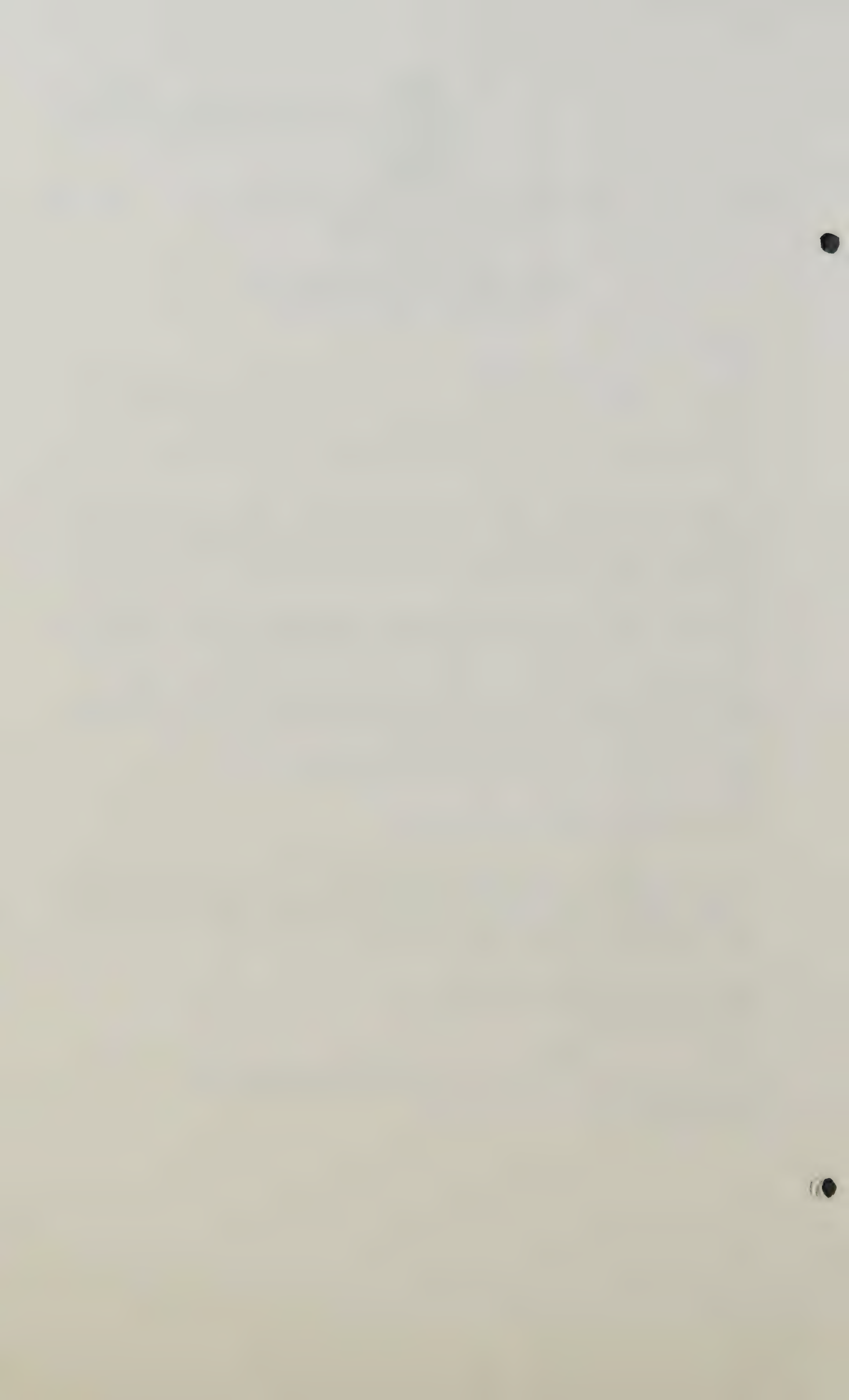
IS THE EMPLOYMENT FULL-TIME OR PART-TIME _____

I, _____, do hereby declare that the information given in this application and any supporting documents is true, correct and complete in every respect, AND I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of THE CANADA EVIDENCE ACT.

DECLARED before me at the City of _____)
Hamilton, in the Regional-Municipality))
of Hamilton-Wentworth, _____)

this _____ day of _____)
_____)
_____) Signature of Applicant

A Commissioner, etc.



APPLICATION FORM

TAXICAB DRIVER

SURNAME: FIRST NAMES:

DATE OF BIRTH,... TELEPHONE NO.

DRIVER'S LICENCE NO. CLASS

DRIVER'S LICENCE EXPIRY DATE: NO. OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF DRIVING OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN _____

HAVE YOU HAD AN ACCIDENT IN THE LAST THREE YEARS? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

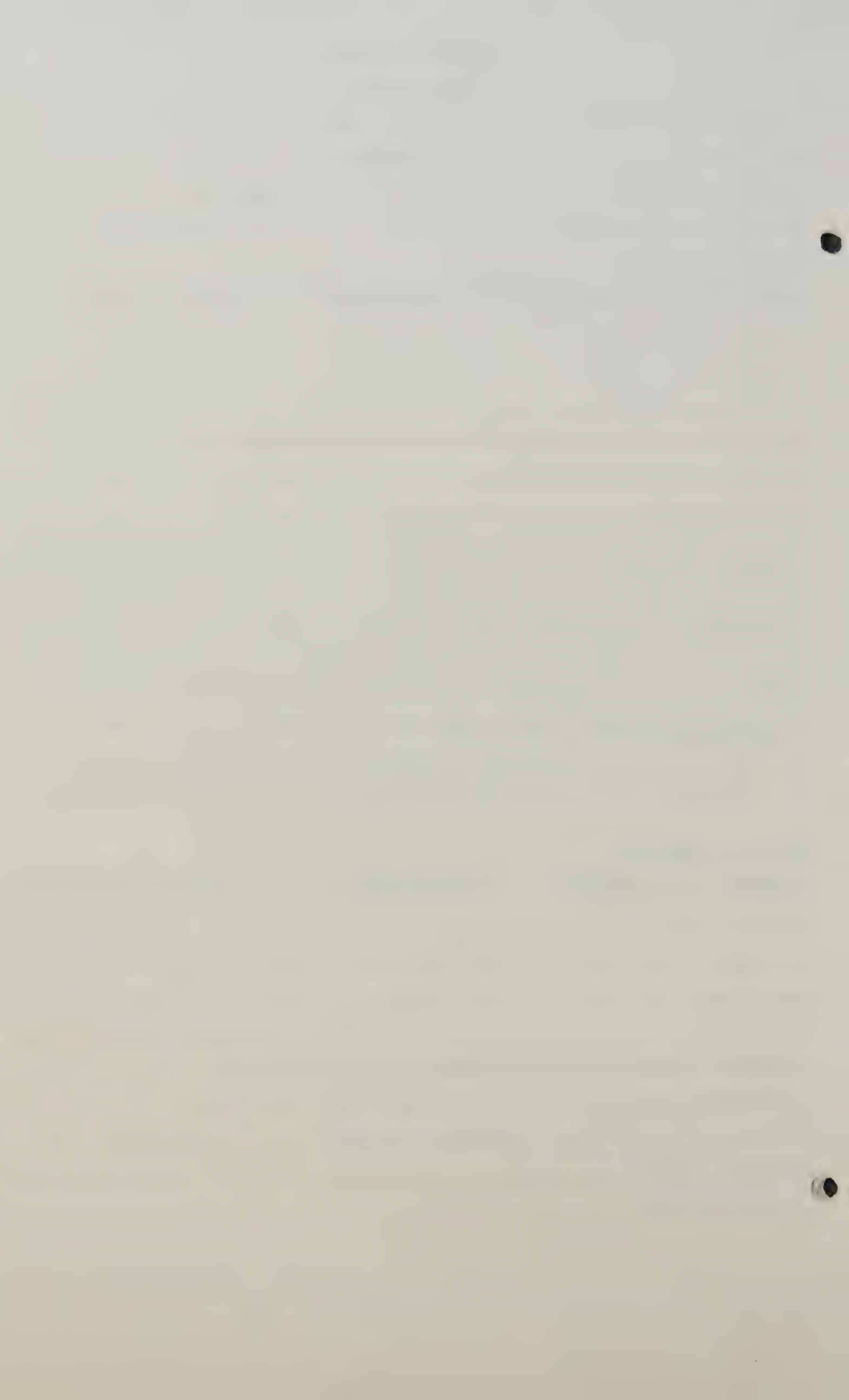
****INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID****

I certify the above information to be true to the best of my knowledge.

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO. _____

SIGNATURE OF BROKER: _____



E. A. SIMPSON
CITY CLERK
K. E. AVERY
DEPUTY CITY CLERK



FORM 3
APPENDIX "C" TO SCHEDULE 4
TRANSFER OF PLATE

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TRANSFER OF TAXI CAB PLATES

IN THE MATTER OF THE TRANSFER OF TAXICAB PLATE NUMBER _____ FROM
_____ TO _____

I, _____, THE PRESENT OWNER OF TAXICAB PLATE
NUMBER _____, HEREBY AGREE TO SELL SAID PLATE TO _____

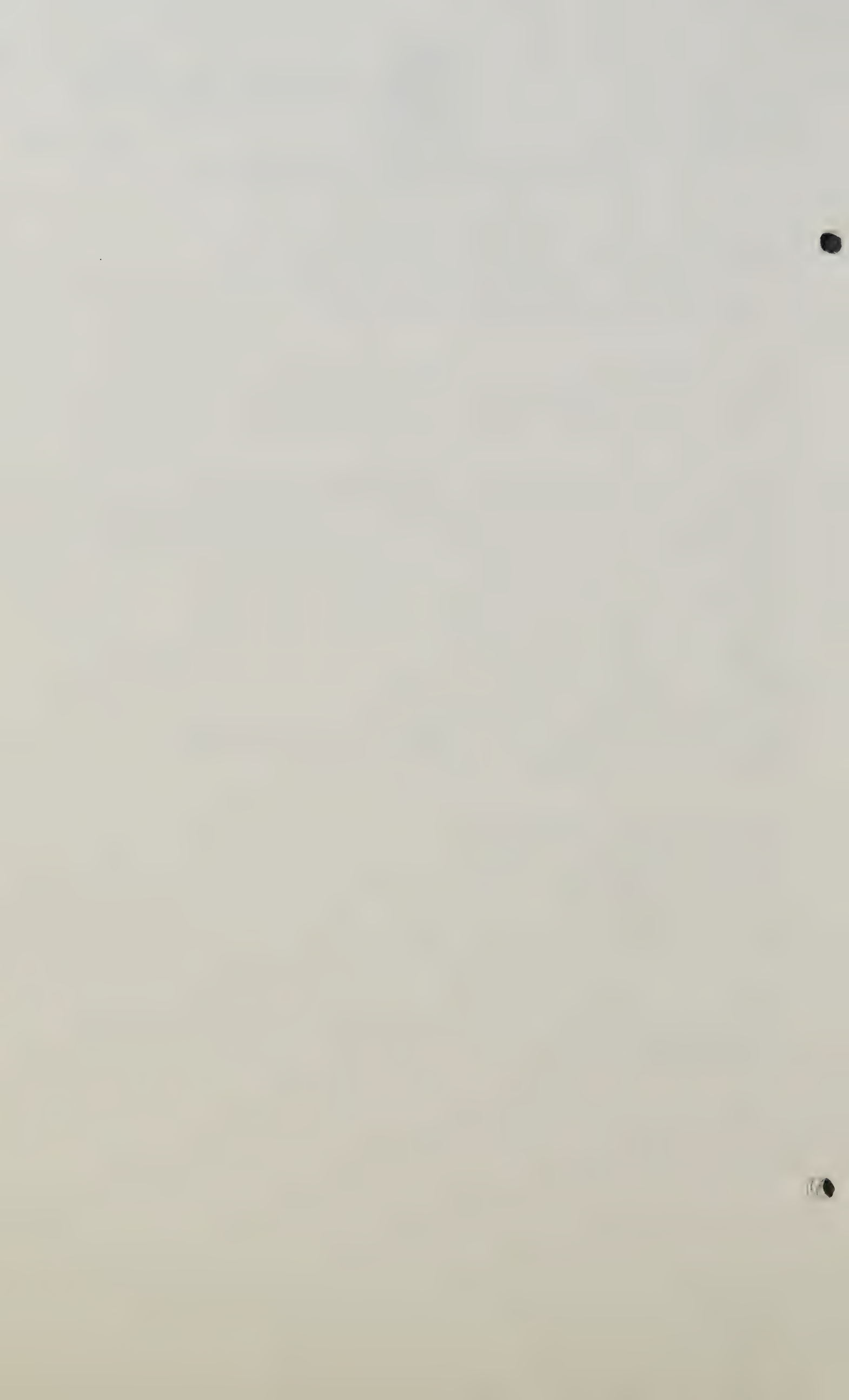
I, _____, THE PURCHASER OF TAXICAB PLATE
NUMBER _____, DO SOLEMNLY SWEAR THAT THE TOTAL CONSIDERATION IS
AS FOLLOWS:

GOODWILL	.....		
CAR	.....		
METER	.....		
RADIO	.....		
ROOF SIGN	.....	MAKE	YEAR
TOTAL	.....		

SWORN BEFORE ME AT THE CITY OF
HAMILTON, REGIONAL-MUNICIPALITY
OF HAMILTON-WENTWORTH

THIS _____ DAY _____ MONTH _____ YEAR

.....
(A COMMISSIONER, ETC.)



The Corporation of the City of Hamilton

BY-LAW NO. 88-136

LIMITED INTEREST AGREEMENT

THIS AGREEMENT made on the _____ day of _____
19____

B E T W E E N:

Hereinafter called the "PLATE OWNER"
of the First Part

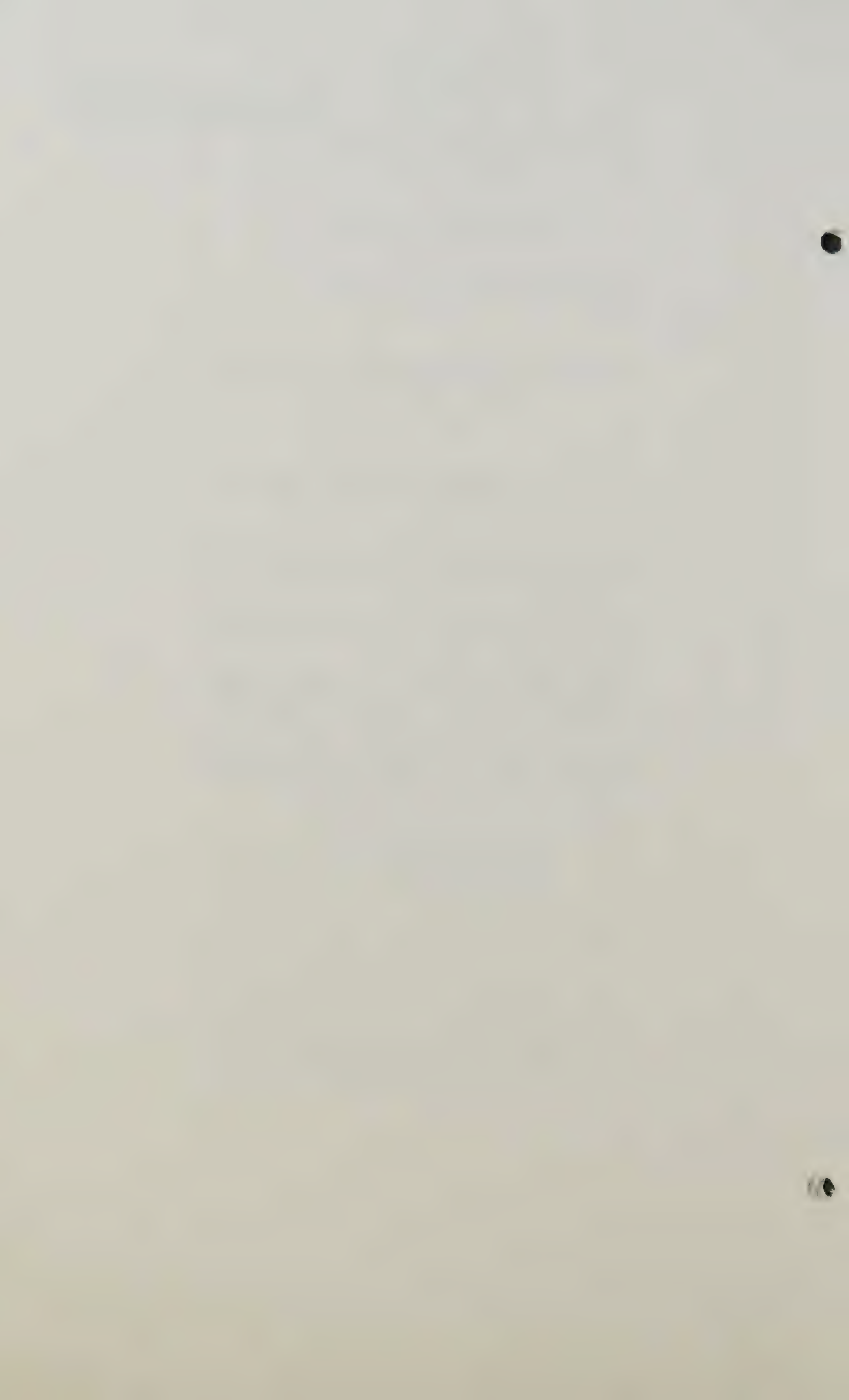
- and -

Hereinafter called the "PLATE USER"
of the Second Part

1. WHEREAS THE PLATE OWNER holds a taxi-cab licence but has ceased owning a taxi-cab respecting which the licence was issued;
2. AND WHEREAS THE PLATE USER is the owner of a taxi-cab but is not the holder of a licence respecting a taxi-cab;
3. AND WHEREAS THE PLATE OWNER and the PLATE USER intend herein to enter into this Agreement (hereinafter referred to as a "limited interest agreement") wherein a licence is transferred temporarily by the PLATE OWNER to the PLATE USER.
4. NOW THEREFORE THIS AGREEMENT WITNESSETH in consideration of the mutual covenants and an agreement hereinafter contained, the PARTIES hereto mutually covenant and agree as follows:

A. PLATE OWNER'S COVENANTS AND AGREEMENTS:

1. An interest in City of Hamilton taxi-cab licence hereinafter referred to is hereby transferred to the PLATE USER for a period commencing on the _____ day of _____, 19____, and ending on the _____ day of _____, 19____.
2. My full and correct name and business address is _____.
3. The City of Hamilton taxi-cab licence number and year of issue is _____.
4. The date on which the licence, which is the subject of this Agreement was issued _____.



5. Full particulars of all consideration given by me, whether in money or in any other kind, direct or indirect, including fees and/or rental _____

_____.
6. List of all services, rights or other considerations, given by me to the PLATE USER _____

_____.
7. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____

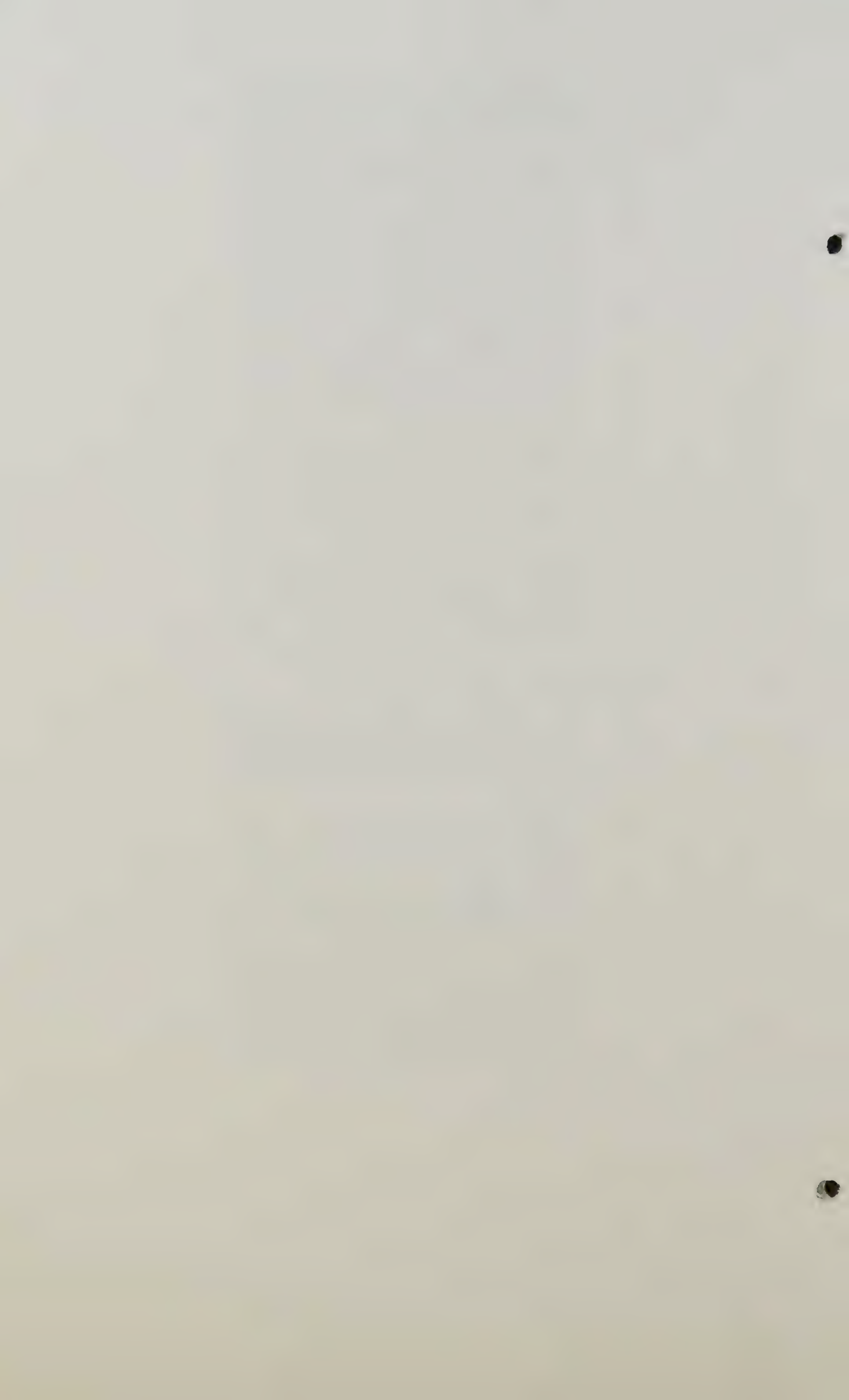
_____.
8. Full particulars as to where and how the maintenance, repairs or purchases are to be made and the payments therefor _____

_____.
9. Where the PLATE USER transfers or purports to transfer the limited interest in this Agreement, this Agreement is hereby terminated on the date of the transfer or purported transfer or on the following date _____
_____.

B. PLATE USER'S COVENANTS AND AGREEMENTS.

1. The interest in the City of Hamilton taxi-cab licence hereinbefore referred to and transferred to me by the PLATE OWNER is hereby accepted by me without reservation for a period commencing on the _____ day of _____, 19____.
2. My full and correct name and business address is _____
_____.
3. The make, model, serial number, year and full description of all equipment which is used with the taxi-cab and serial number and year of the equipment, are _____

_____.



4. The motor vehicle permit plate number for the taxi-cab owned by me, issued under THE HIGHWAY TRAFFIC ACT is _____.
 5. I am the sole owner in my own right of the taxi-cab respecting which the PLATE OWNER is transferring to me a limited interest in his licence.
 6. Full particulars of all consideration given by me, whether in money or in kind, direct or indirect, including fees and/or rental _____

_____.
 7. Breakdown of all other amounts given by me to the PLATE OWNER _____

_____.
 8. Full particulars of my responsibility for the maintenance, repairs, gas and oil for the taxi-cab _____

_____.
 9. Full particulars as to where and how the maintenance, repairs or purchases are to be made and payments therefor _____

_____.
 10. I will take out, before using the taxi-cab, insurance in accordance with regulation 3 of section 13 of Schedule 4 of By-law No. 79-323.
 11. Upon any transfer or purported transfer, directly or indirectly, the limited interest in this Agreement, this Agreement shall be terminated on the date of the transfer or purported transfer or on the date, if any, fixed by the PLATE OWNER.
- C. OTHER TERMS AND CONDITIONS by the Parties hereto set out in SCHEDULE "A" to this AGREEMENT not contrary to By-law No. 79-323.

D. PLATE OWNER'S AND PLATE USER'S JOINT COVENANTS
AND AGREEMENTS:

1. The Agreement herein shall be for a period commencing on the _____ day of _____, 19____ and ending on the _____ day of _____, 19____.
2. This Agreement is made on the following basis -- daily, weekly, monthly, yearly or _____.
3. This Agreement comes into force on the _____ day of _____, 19____.
4. This Agreement shall be deemed to be executed by both Parties hereto and Witnessed on the _____ day of _____, 19____.

IN WITNESS WHEREOF the Parties hereto have affixed their hands and seals

THIS _____ day of _____, 19____.

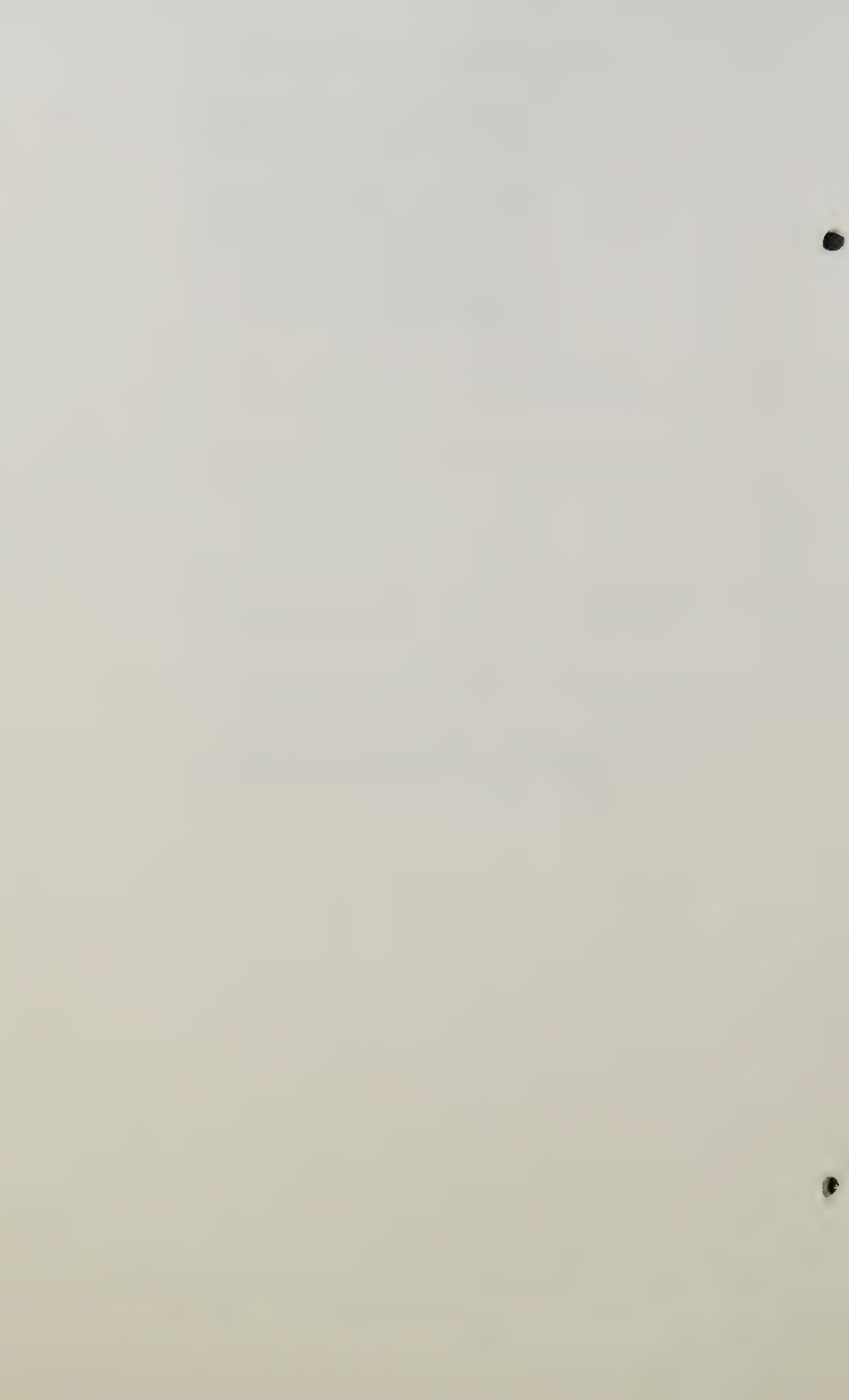
Witness

PLATE OWNER

Witness

PLATE USER

Note: If insufficient space, please enumerate provision on reverse side of page on which the provision appears and use or add pages and initial and date.



APPENDIX "E" TO SCHEDULE 4: TRIP SHEET

IT IS MANDATORY TO COMPLETE ALL BUT THE SHADED AREAS

Date _____ Driver _____ Cab No. _____

IN		OUT		Trips		TOTAL SALES	
a.m.	mileage	a.m.	mileage				
p.m.		p.m.		Units		Com. %	
Paid Miles		Units	Trips	Extras		Gal. Gas	
Out				Hourly		Oil	
In				Dismiss.		Misc.	
Dif.				Misc.		Charges	
				Total		Total Exp.	

CASH

Trip	No. Pass.	FROM	TO	\$	¢	\$	¢
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
TOTAL							

DRIVER'S SIGNATURE

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
RADIO ☐ METER ☐
CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐
CHECK : OIL ☐ TRANSMISSION FLUID ☐

APPLICATION FORM

LIVERY DRIVER

SURNAME: FIRST NAMES:
DATE OF BIRTH TELEPHONE NO.
DRIVER'S LICENCE NO. CLASS
DRIVER'S LICENCE EXPIRY DATE: NO. OF POINTS LOST.....

HISTORY OF RESIDENCE:

ADDRESS	TOWN OR CITY	PROVINCE/STATE	COUNTRY	DATE

NAME AND ADDRESS OF OWNER OR BROKER WITH WHOM YOU WILL BE ASSOCIATED:

HAVE YOU EVER BEEN CONVICTED OF DRIVING OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE? YES: _____ NO: _____
IF YES, EXPLAIN _____

HAVE YOU HAD AN ACCIDENT IN THE LAST THREE YEARS? YES: _____ NO: _____
IF YES, EXPLAIN: _____

HISTORY OF EMPLOYMENT:

EMPLOYER	ADDRESS	TYPE OF WORK	FROM MONTH-YEAR	TO MONTH-YEAR

****INCORRECT OR OMITTED INFORMATION RENDERS THIS APPLICATION VOID****

I certify the above information to be true to the best of my knowledge.

DATE _____ SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER: _____ PLATE NO. _____

SIGNATURE OF BROKER: _____



To Schedule 4(a)

FORM 5

APPENDIX "B" TO SCHEDULE 4a: TRIP SHEET

IT IS MANDATORY TO COMPLETE ALL BUT THE SHADED AREAS

Date _____ Driver _____ Cab No. _____

IN		OUT		Trips	TOTAL SALES
a.m. p.m.	mileage	a.m. p.m.	mileage		
Paid Miles	Units	Trips		Units	Com. ____ %
Out _____	_____	_____		Extras	Gal ____ Gas
In _____	_____	_____		Hourly	Oil _____
Dif. _____	_____	_____		Dismiss.	Misc. _____
				Misc.	Charges _____
				Total	Total Exp. _____

CASH

Trip	No. Pass.	FROM	TO	\$	¢	\$	¢
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
TOTAL							

DRIVER'S SIGNATURE _____

EQUIPMENT FAULTS : BRAKES ☐ STEERING ☐ LIGHTS ☐ EXHAUST SYSTEM ☐
 RADIO ☐ METER ☐
 CLEANLINESS AND DAMAGE : INTERIOR ☐ EXTERIOR ☐
 CHECK : OIL ☐ TRANSMISSION FLUID ☐



**The Corporation of the City of Hamilton
By-law No. 92-144**

**WARNING PROHIBITING
SALE OF TOBACCO TO MINORS**

The sale of tobacco to persons under 18 years of age is limited by Federal and Provincial laws, which provide:

Persons under 16 years of age may not purchase or be sold cigarettes or cigarette papers.

Any person or their agent, being the owner of property on which a vending machine is located, may take from any person under 16 years of age, cigarettes, cigars or tobacco which are being purchased from the machine, or which are about to be used by the person under 16.

No one may sell or give tobacco, cigars or cigarettes to someone under 18 years of age for their own use.

Persons being 16 or 17 years of age must supply the written permission of a parent or guardian to purchase cigarettes cigars or tobacco.

PROOF OF AGE MAY BE REQUIRED

FORM 1 (APPENDIX "A") TO SCHEDULE 40 : APPLICATION

SPECIAL SALES LICENCE (Section 3)

1. Name of Applicant:

2. Address:

3. Age:..... Occupation

4. Place of employment or place of business, if other than above:

5. Present location of goods to be sold:

.....

6. Place at which sale to be held:

.....

7. Date or dates of sale:

8. Name and address of owner of goods, if other than applicant:

.....

.....

9. Relationship, if any, between applicant and owner:

.....

10. Particulars of any damage or other deterioration to goods being sold:

.....

.....

11. Full particulars of information to be used by way of advertisement of sale indicating any reason for sale:

.....

12. Description of Goods (Column 1), Name and Address of Person Whom Goods purchased (Col. 2), Date of Purchase (Col. 3), Cost Price per Unit (Col. 4), Retail Price per Unit (Col. 5)

.....

.....

FORM 2 (APPENDIX "B") TO SCHEDULE 40 : STATUTORY DECLARATION

The Corporation of the City of Hamilton

Statutory Declaration

(Section 5)

PROVINCE OF ONTARIO

OF

TO WIT:

) IN THE MATTER OF an application for
) a licence to carry on a special sale
) pursuant to the provisions of By-law
) Number of The Corporation of
) the City of Hamilton.

I, of the of in the DO
SOLEMNLY DECLARE THAT:

1. I am the owner (and applicant) described in the application attached hereto, and as such have knowledge of the statements and information contained therein.
2. The statements and information contained in the said application are true and correct to the best of my knowledge and belief.
3. I am of the full age of twenty-one years.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at)
the of)
in the)
of)
this day of)
A.D. 19)

.....
A Commissioner, etc.

FORM 3 (APPENDIX "C") TO SCHEDULE 40 : STATUTORY DECLARATION
EXTENSION

The Corporation of the City of Hamilton

Statutory Declaration
(Section 8(3))

PROVINCE OF ONTARIO) IN THE MATTER OF an application for
OF) a licence to carry on a special sale
) pursuant to the provisions of By-law
) Number of The Corporation of
TO WIT:) the City of Hamilton.

I, of the of in the
..... DO SOLEMNLY DECLARE THAT:

- 1. I am the licence holder described in licence number..... dated which licence expired on the day of
- 2. Attached hereto is a complete list of the goods offered for sale under such licence and now remaining unsold.
- 3. All of such goods were listed on the original application for the said licence and no other goods have been added to or substituted for any of such original goods.
- 4. The said goods remaining unsold are located at and I request that the said licence be renewed upon the same terms and conditions for a further thirty-day period expiring on the day of

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at)
the of)
in the)
of)
this day of)
A.D. 19)

.....
A Commissioner, etc.

FORM 1 (APPENDIX "A") TO SCHEDULE 41 : RECORD CARD

☐ PURCHASED ☐ PAWNED ☐ PREVIOUSLY PAWNED		☐ JEWELLERY ☐ WATCH ☐ OTHER		2ND HAND/PRECIOUS METAL/PAWN REPORT SERIAL NUMBER	
DETAILED DESCRIPTION					
CUSTOMER	NAME		AGE	HAIR STYLE	HAIR COLOUR
	ADDRESS		SEX	WEIGHT	HEIGHT
SIGNATURE			AMOUNT	PLEDGE NUMBER	
DEALER			DATE		☐ AM ☐ PM
PAWN OFFICER'S USE					

100818 MAR80

SCHEDULE 45

FEES

1. Schedule 1 (Auctioneers) : The licence fee for a licence under Schedule 1 is \$80.00. (S.1, s.7)

2. Schedule 2 (Barber and Hairdressing Shops) : The licence fee for a licence under Schedule 2 is \$50.00. (S.2, s.2)

3. Schedule 3 (Retail Butchers and Fishmongers) : The licence fees for licences under Schedule 3 are as follows:

(a) Retail Butcher and Fishmonger, \$50.00; and

(b) Fishmonger Only, \$50.00.(S.3, s.6)

4. Schedule 4 (Taxicabs) : The fees for licences and other matters under Schedule 4 are as follows:

(a) Initial application for entry on the priority list, \$60.00;

(b) Annual renewal of placement on the priority list, \$60.00;

(c) First issuance of a private taxi-cab licence from the Taxi-cab Priority List, \$3,480.00;

(d) Renewal of a private taxi-cab licence, \$210.00;

(e) Transfer of a private taxi-cab licence, \$670.00;

(f) Renewal of a public taxi-cab licence, \$340.00;

(g) Transfer of a public taxi-cab licence, \$670.00;

(h) First issuance of a taxi-cab broker's licence, \$400.00;

(i) Renewal of a taxi-cab broker's licence, \$270.00;

(j) Issuance of a taxi-cab driver's licence, \$50.00;

(k) Filing fee for the initial copy of a limited interest agreement in respect of the first car, \$60.00;

(l) Yearly renewal fee for the initial limited interest agreement in respect of the same first car, \$60.00;

(m) Filing fee for the initial copy of a limited interest agreement in respect of any additional car, \$210.00;

(n) Yearly renewal fee for a limited interest agreement in respect of any additional car, \$210.00;

(o) Filing fee for a copy of a notice or an agreement under section 14(5) of Schedule 4, \$50.00; (S.4, s.33)

(p) Wheelchair Accessible Taxicab (Interated) - Owner Licence and Renewal, \$5.00.

4a. Schedule 4a (Livery Vehicles) : The licence fees for licences under Schedule 4a are as follows:

(a) Livery vehicle owner's licence Class A or B, \$210.00;

(b) Livery vehicle driver's licence, \$50.00;(S.4a, s.16)

5. Schedule 5 (Cartage Businesses) : The licence fees for licences under Schedule 5 are as follows:

(1) For owners of carts and other animal drawn vehicles used for hire for the conveyance of goods or other material, or for the conveyance of passengers, for each vehicle, \$50.00.

(2) For owners and operators of Class "C" licensed cartage vehicles,

(a) Fee for first licence, \$290.00;

(b) Fee for each additional licence, \$70.00;

(c) Fee for renewal of first or additional licences, \$70.00;

(3) For owners and operators of Classes "A", "B", "D", "E", "F" and "G" licensed cartage vehicles, for each licence, \$70.00.(S.5, s.10)

6. Schedule 6 (Drive-Self Rental Vehicles) : The licence fee for a licence under Schedule 6 is \$200.00. (S.6, s.7)

7. Schedule 7 (Driving Schools and Instructors) : The licence fees for licences under Schedule 7 are as follows:

(a) For a person carrying on the business of a driving school, \$50.00;

(b) For a driving school instructor, \$50.00.(S.7,s.7)

8. Schedule 8 (Eating Establishments) : The licence fees for licences under Schedule 8 are as follows:

(a) For a restaurant, \$20.00.

(b) For a lunch counter, \$20.00.

(c) For a refreshment stand, \$20.00.

(d) For a drive-in restaurant, \$20.00.(S.8,s.4)

9. Schedule 9 (Food Shops) : The licence fee for a licence under Schedule 9 is \$10.00.(S.9 s.3)

10. Schedule 10 (Tow-Trucks) : The licence fees for licences under Schedule 10 are as follows:

(a) For a tow-truck owner's licence, per vehicle, \$110.00;

(b) For a tow-truck driver's licence, \$50.00. (S.10, s.9)

13. Schedule 13 (Pedlars) : The licence fees for licences under Schedule 13 are as follows:

(1) For a pedlar,

(a) (Repealed, By-law 84-244);

(b) who travels with a push cart, \$50.00;

(c) who travels with a motor truck, panel truck or station wagon, \$170.00;

(d) who travels on foot with a basket, valise, bag or pack, \$50.00.(S.13, s.5)

15. Schedule 15 (Public Halls and Places of Amusement) : The licence fees for licences under Schedule 15 are as follows:

(1) Billiard Room or Pool Room,

(a) for the first table, \$70.00;

(b) for each additional table over the first table, \$20.00.

(2) Exhibitions for which admission is charged, in other than a licensed theatre or a licensed public hall,

(a) of pictures, paintings, statuary, waxworks or other works of art, or curiosities or other objects of interest, per day, \$14.00;

(b) of performing horses, ponies or dogs, per day, \$37.00;

(c) of a menagerie or trained animal show, circus riding, wild-west show or other like show usually exhibited by showmen, or a carnival, but not including a circus held in a permanent indoor structure per day, \$100.00; and for each side show or other entertainment connected with or associated with each show mentioned in this clause, \$37.00;

(cc) of a circus held in a permanent indoor structure, per day, \$20.00;

(cd) Provided that the total of the daily fees for exhibitions or circuses do not exceed \$500.00.

(d) of a performance of a troupe or company of actors or musicians, or of dramatic or musical performances, for each performance, \$14.00;

(e) of boxing, wrestling or other like performance, for each performance, \$19.00;

(3) Theatre or moving picture show;

(a) for a drive-in, for each car stand, \$30.00;

(b) for other than a drive-in, \$270.00;

(4) Arena, \$270.00;

(5) Bowling Alley,

(a) for the first and second bed, \$60.00;

(b) for each additional bed after the second bed, \$10.00.

(6) Pinball or other Amusement Machine Parlours in which are located 4 or more machines,

(a) for 4 machines, \$200.00;

(b) for each additional machine in excess of 4 machines, \$50.00, provided the licence fee shall not exceed \$2,670.00 per premises.

(7) Bingo Parlour having a seating capacity of;

(a) under 300 persons, \$70.00;

(b) 300 to 599 persons, \$140.00;

(c) 600 to 999 persons, \$200.00;

(d) 1,000 or more persons, \$270.00.

(8) Bingo Lottery at a bazaar, \$10.00.

(9) Public Hall, other than a Bingo Parlour, having a seating capacity of,

(a) under 300 persons, \$70.00;

(b) 300 to 599 persons, \$140.00;

(c) 600 to 999 persons, \$200.00;

(d) 1,000 or more persons, \$270.00;

(10) Roller Skating Rinks or like places of amusement, \$270.00.

(11) Merry-Go-Round, Switchback Railway, Carousel or other like contrivances including Roller Coaster, for each day, \$50.00.

(12) Rebound Tumbling Establishment;

(a) for 20 beds or less, \$19.00;

(b) for more than 20 beds, \$37.00.

(13) Shooting Gallery, \$19.00.(S.15, s.6)

16. Schedule 16 (Refreshment Vehicles) : The licence fee for a licence under Schedule 16 is \$110.00. (S.16, s.10)

17. Schedule 17 (Salvage and Second-Hand Goods Businesses) : The licence fees for licences under Schedule 17 are as follows:

(1) Dealers in Second-Hand Goods,

(a) travelling on foot or with hand cart per person or per cart, \$20.00;

(b) travelling with animal-drawn wagon, motor truck, panel truck or station wagon per vehicle, \$20.00.

(2) Salvage Dealers,

(a) for each cart, \$20.00;

(b) for each truck, \$20.00.

(3) Salvage Shop or Salvage Yard, \$20.00.

(4) Second-Hand Goods Shop, \$20.00.(S.17, s.8)

19. Schedule 19 (Sign Posters and Bill Distributors, etc.) : The licence fees for licences under Schedule 19 are as follows:

(1) Bill Distributor, \$50.00.

(2) Bill Poster, Advertising Sign Painter, Bulletin Board Painter, Sign Poster, \$670.00.(S.19, s.3)

20. Schedule 20 (Tobacco, Cigars and Cigarette Retailers) : The licence fee for a licence under Schedule 20 is \$25.00. (S.20, s.6)

21. Schedule 21 (Tourist Camps, Trailer Camps and Motels) : The licence fees for licences under Schedule 21 are as follows:

(1) Tourist Camp, \$100.00.

(2) Trailer Camp, \$100.00.

(3) Motel, \$10.00. (S.21, s.11)

22. Schedule 22 (Transient Vendors) : The licence fees for licences under Schedule 22 are as follows:

(1) Transient Vendor to which subsection (2) does not apply, for a three-month period or part thereof, \$500.00

(2) Transient Vendor who is a farmer resident in Ontario offering for sale only the produce of his or her own farm, \$5.00.(S.22, ss.8(1))

23. Schedule 23 (Pet Shops) : The licence fee for a licence under Schedule 23 is \$50.00. (S.23, s.6)

24. Schedule 24 (Bake Shops) : The licence fee for a licence under Schedule 24 is \$10.00. (S.24, s.3)

25. Schedule 25 (Dry Cleaning Establishments, etc.) : The licence fees for licences under Schedule 25 are as follows:

(1) For use of land for the purpose of the business of dry cleaning, dry dyeing or cleaning and pressing including spotting and stain removing, \$50.00.

(2) For use of land for the purpose of the business of spotting or stain removing, or for the purpose of receiving articles or goods to be subjected to any such process hereinbefore in this paragraph mentioned, for the purpose of distribution of articles or goods that have been subjected to any such process, or for all or any of such purposes in this clause mentioned, \$50.00.(S.25, s.2)

26. Schedule 26 (Storage of Petroleum and Other Dangerous or Inflammable Substances): The licence fees for licences under Schedule 26 are as follows:

(1) Except as provided in paragraph 3, for storage of petroleum, naphtha, or other dangerous or combustible, inflammable or explosive substance in quantities of more than eleven kilograms, \$200.00.

(2) (Repealed)

(3) The licence fee shall not exceed \$25.00 a month, for every month or part thereof in which such business is carried on. (S.26, s.2)

27. Schedule 27 (Laundries and Laundreterias, etc.) : The licence fees for licences under Schedule 27 are as follows:

(1) For carrying on the business of a laundry, \$50.00.

(2) For carrying on the business of a laundreteria or making available to the public the use of any of the following services or machines, namely, washing machines, dryers and dry cleaning machines for use by the public, including coin-operated washing machines, dryers and dry cleaning machines, \$50.00. (S.27, s.3)

28. Schedule 28 (Lodging Houses) : The licence fee for a licence under Schedule 28 is \$150.00, except a second level lodging house licence, the fee for which is provided under by-law 80-259 as amended. (S.28, s.5)

29. Schedule 29 (Massagists) : The licence fee for a licence under Schedule 29 is \$50.00. (S.29, s.3)

30. Schedule 30 (Pawnbrokers) : The licence fee for a licence under Schedule 30 is \$210.00. (S.30, s.3)

31. Schedule 31 (Public Baths) : The licence fee for a licence under Schedule 31 is \$270.00. (S.31, s.2)

32. Schedule 32 (Public Garages) : The licence fees for licences under Schedule 32 are as follows:

(1) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place where motor vehicles are stored or kept for sale (Garage A), \$80.00.

(2) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop, including body and fender repairs (Garage B1), \$50.00.

(3) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop, except body and fender repairs (Garage B2), \$50.00.

(4) For a public garage, other than an automobile service station as described in subsection (5), that is a building or place used as a motor vehicle repair shop for body and fender repairs (Garage B3), \$50.00.

(5) For a public garage that is only an automobile service station within the meaning of the provisions of paragraph 154 of section 154 of the Municipal Act, R.S.O. 1990, Chapter M.45, except a retail store not otherwise an automobile station where gasoline or oils are sold in sealed containers only (Garage C), \$10.00.

(6) For a public garage, other than an automobile service station as described in subsection (5), that is a parking station or a parking lot (Garage D), \$50.00.

Provided that an automobile service station with no more than five parking spaces for hire shall not be deemed to be a parking station or parking lot within the meaning of this section.

(7) For a public garage that is a building or place used for only washing or cleaning motor vehicles or in addition to being an automobile service station as described in subsection (5) (Garage E), \$50.00.

Provided that a licensed public garage not having special equipment capable of washing or cleaning more than 15 motor vehicles a day shall not be deemed to be a building or place used for washing or cleaning motor vehicles within the meaning of this section.(S.32, s.10)

40. Schedule 40 (Special Sales) : The licence fees for licences under Schedule 40 are as follows:

(1) For a licence issued upon application expiring in accordance with subsection 8(1) of Schedule 40, per \$1,000 of inventory during the first 30 days, \$3.00.

(2) For a licence extended in accordance with clause 8(1)(a) of Schedule 40, per \$1,000 of inventory during the further 30 days, \$3.00.

(3) For a licence extended in accordance with clause 8(1)(b) of Schedule 40, per \$1,000 of inventory during the further 30 days, \$3.00.

(4) For a licence extended in accordance with clause 8(1)(c) of Schedule 40, per \$1,000 of inventory during the further 30 days, \$3.00.(S.40, s.14)

41. Schedule 41 (Precious Metals and Old Jewellery Dealers) : The licence fee for a licence under Schedule 41 is \$25.00. (S.41, s.4)

42. Schedule 42 (Building Exterior Cleaners) : The licence fee for a licence under Schedule 42 is \$130.00. (S.42, s.5)

43. Schedule 43 (Flea Markets) : The licence fees for licences under Schedule 43 are as follows:

(1) For a Flea Market Owner, \$420.00.

(2) For a stallholder, \$70.00. (S.43, s.10)

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30075	GREEN/VERT	BP3007
30078	RED/ROUGE	BF3007

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